

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.11 OF 2024

Gangu @ Sangeeta Vishal Bhalerao .. Applicant
Versus
Vishal Vikas Bhalerao .. Respondent

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- Mr. Sushil Upadhyay, Advocate for Applicant.
 - Mr. Roy Varghese i./by Sachin Dhakephalkar, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 04, 2024

P.C.:

1. Heard Mr. Upadhyay, learned Advocate for Applicant and Mr. Varghese, learned Advocate for Respondent.

2. This Application seeks transfer of Petition No.A/163 of 2023 filed by Respondent in the Family Court at Ahmednagar to Court of Civil Judge Senior Division at Kalyan. The Applicant is required to provide support and take care of three minor children and she is leaving with parents in Kalyan.

3. Apart from proximity of distance between two destinations the difficulties of Applicant are evident on perusing the grounds stated in paragraph No.10 onwards of the Application. There can be no impediment to allow the present Miscellaneous Civil Application.

4. **PER CONTRA**, Mr. Varghese has drawn my attention to the Affidavit-in-Reply filed by Respondent to oppose the Application and he would submit that mother of Respondent has medical ailment which are enumerated in paragraph No.3 of the Affidavit-in-Reply.

5. He would submit that in that view of the matter and considering the connectivity of the two destinations, Respondent is ready and willing to provide for the expenses to the Applicant. The request made by the Applicant is required to be considered under the extant provisions of Section 24 of Code of Civil Procedure, 1908 from the point of convenience of the wife as noted by Supreme Court in the case of **N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha**¹ in paragraph Nos.9, 10 and 11 thereof.

6. That apart, inconvenience and difficulty of Applicant in the present case far outweighs the submissions made on behalf of Respondent.

7. In that view of the matter, Miscellaneous Civil Application stands allowed in terms of prayer clause (a) which reads thus:-

“a) that this Hon'ble Court be pleased to issue appropriate writ, order and direction directing the directing the transfer of the proceedings under the provisions of Special Marriage Act filed before the Hon'ble Ahmednagar Family Court, at Ahmednagar in the nature of Petition No. A/163 of 2023 filed by the in Respondent be transferred to the Hon'ble Civil Judge Senior Division at Kalyan on such terms as this Hon'ble Court may deem fit and proper.”

¹ AIR 2022 SC 4318

8. With the above directions, Miscellaneous Civil Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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