

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO. 48 OF 2024

Poonam Gopalkrushna Mane

.. Applicant

Versus

Gopalkrushna Ashok Mane

.. Respondent

-
- Mr. Nikhil N. Pawar, Advocate for Applicant.
 - Mr. Ketan Joshi, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 27, 2024.

P.C.:

1. Heard Mr. Pawar, learned Advocate for Applicant and Mr. Joshi, learned Advocate for Respondent.

2. Present Misc. Civil Application (for short “MCA”) seeks transfer of Marriage Petition No. A-2042 of 2023 filed by Respondent – husband in the Family Court at Pune to the Court of Civil Judge Senior Division, Islampur, Dist. Sangli. Applicant is the wife whereas Respondent is the husband. Respondent has filed Marriage Petition in Pune.

3. Apart from the proximity of distance between the two destinations, Applicant also requires to provide support and care for her two children who are 21 year old son and 19 year daughter and residing with Applicant – wife in Sangli.

4. Mr. Joshi would submit that Applicant can very well travel to attend the proceedings in the Court of Family Court at Pune and Respondent is willing to incur expenditure that would be incurred by her for attending the scheduled Court visits in Pune. He would further submit that Applicant's two children are major and in that view of the matter, Applicant can certainly make herself available to travel to the Family Court at Pune.

5. Mr. Joshi has drawn my attention to the Affidavit-in-Reply filed by Respondent and would submit that the grounds enumerated in the said Reply be considered by this Court.

6. After hearing Mr. Pawar and Mr. Joshi, learned Advocates and perusing the pleadings of the case, I am of the opinion that in the facts and circumstances of the present case, Applicant will have to travel alone to attend the Court proceedings in Pune. Applicant is residing with her elderly parents as also she would incur expenditure. Consent of the Respondent to pay the expenditure incurred by the Applicant would not be a solace to the Applicant since payment of the expenditure incurred is not commensurate with the hardship that would be encountered by the Applicant.

7. The Supreme Court has laid down the extant principles and parameters in the case of *N.C.V. Aishwarya Vs. A. S. Saravana Karthik*

Sha¹ that in matrimonial matters, wherever Courts are called upon to consider the plea of transfer, an array of factors affecting the parties would have to be considered from all perspectives including the socio-economic paradigm in our country that wife's convenience must be looked at while considering transfer. Hence, I decline to accept the submissions made by Mr. Joshi.

8. In view of my above observations, MCA stands allowed in terms of prayer clause 'a' which reads thus:-

"a. This Hon'ble Court may be pleased to transfer the Petition bearing Marriage Petition A No. 2042 of 2023 pending before the Ld. Family Court at Pune to the Court of Civil Judge, Senior Division, Islampur Dist. Sangli."

9. At the request of Mr. Joshi, it is clarified that the Court of Civil Judge Senior Division, Islampur, Sangli shall permit Respondent – husband to appear on VC on all scheduled dates of hearing.

10. Both the concerned Courts shall act on a server copy of this order and shall not insist on production of a certified copy of this order and ensure that transfer of proceedings, re-registration of the proceedings takes place within a period of two weeks from the date on which a server copy of this order is tabled before them.

11. MCA is allowed and disposed.

[MILIND N. JADHAV, J.]

Ajay

1 AIR 2022 SC 4318