

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.96 OF 2024

Swapna Dipak Bhujbal

.. Applicant

Versus

Dipak Subhash Bhujbal

.. Respondent

.....

- Mr. Anilkumar K. Patil, Advocate for Applicant.
- Mr. Bhavesh Kadam a/w. Mr. Mihir Jadhav, Advocates for Respondents.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 28, 2024

P.C.:

1. Heard Mr. Patil, learned Advocate for Applicant and Mr. Kadam, learned Advocate for Respondents.

2. The present Application seeks transfer of Divorce Petition No.PA/2108/2023 from the Family Court at Pune to Family Court at Dhule.

3. The Applicant has also filed proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short '**the said Act**') as also another proceeding under Section 9 in Dhule. The grounds of hardship are stated in paragraph No.7 of the Application. I have perused the same. The grounds of hardship and proximity of distance cannot be disbelieved.

4. Mr. Kadam would however contend that Applicant is infact

residing in Pune and is also working in Pune for an IT Company. So also Respondent is also in service and working for a Company in Pune. He would therefore submit that proceedings under the said Act as also proceeding under Section 9 have been filed in Dhule by the Applicant merely to harass the Respondent. He would next submit that Respondent is ready and willing to pay all costs of travel as also any expenditure incurred by Applicant to attend the proceedings in Family Court at Pune. On the above ground he would submit the Application be rejected.

5. I have perused the pleadings and heard the learned Advocates appearing for the respective parties. Parties got married in Dhule in the year 2020. Though it may be true that the parties i.e. Applicant and Respondent both may be working in Pune, however it will not preclude the Applicant to seek transfer of the Divorce Petition from Pune to Dhule on the ground that she is working in Pune. What is crucial to note in such cases is element of hardship of Applicant from all possible angles. The parents of Applicant are residing in Dhule. Her father is retired and mother is a housewife, as also, there is a younger brother of Applicant. In such proceedings what is required to be seen is the moral support derived by the Applicant while conducting the proceedings.

6. If submissions of Mr. Kadam are to be countenanced in the

present case, it would require the Applicant to appear in the divorce proceedings in Pune without the moral as well as other support of her family members. Convenience of parties will have to be looked at not only on the ground where the parties are working but also from the point of support derived by parties. It has been stated in the decision of the Supreme Court in the case of **N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha**¹ that given the prevailing socio-economic paradigm in Indian society generally it is wife's convenience that has to be looked at while considering the transfer.

7. Considering that the Applicant is educated and is in service in Pune though admitted, but what is crucial to be noted is that it is always desirable that proceedings are transferred to one particular Court and should be tried together by the same Judge not only in order to avoid multiplicity of trials, but also conflict of decisions by two different Courts. In that view of the matter, I am inclined to accept the submissions made by Mr. Patil and allow the Application in terms of prayer clause (b) which reads thus:-

“(b) This Hon'ble Court be pleased to transfer proceedings viz. Divorce Petition PA 2108 /2023 filed by the Respondent husband before the Family Court, Pune to Family Court, Dhule.”

8. Mr. Kadam makes a request to permit the Respondent to appear through Video Conferencing on the scheduled dates of hearing

¹ AIR 2022 SC 4318

before the Family Court at Dhule. This request undoubtedly has to be allowed by the Court. The Family Court at Dhule shall permit the Respondent to appear through Video Conferencing on the scheduled dates of hearing and ensure that he is given the link to appear well in advance.

9. Liberty to parties to apply to Trial Court.

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

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