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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 99 OF 2024

Rohan Rajendra Korhale ... Applicant

Versus

Sonal Rohan Korhale

(Maiden name Ms. Sonal Ankush Bhaiye) ... Respondent

.....

Mr. Ramesh Jadhav for Applicant.

Ms. Kajal Patil for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATED : 27th SEPTEMBER, 2024

P.C. :-

1. Heard Mr. Jadhav, learned Advocate for the Applicant and Ms. Patil, learned Advocate for the Respondent in the present MCA.

2. MCA No.99 of 2024 is filed by Applicant-Husband seeking transfer of Marriage Petition No. 441 of 2023 filed by Respondent-wife in the court of Civil Judge, Senior Division at Panvel, Dist. Raigad to the Family Court at Bandra. Reason for seeking this transfer is because the Applicant-husband has also filed Marriage Petition No.A-160/2023 in the Family Court at Bandra against Respondent-wife.

3. After hearing submissions made by the learned Advocate for Applicant-husband and Respondent-wife, I am of the opinion that considering hardship that would be encountered by the wife to travel all the way from Kharghar, where she is residing with her parents to Bandra, it would far outweigh the difficulty expressed by the husband in the present case. Mr. Jadhav would then submit that if Court is inclined to club both marriage petitions and direct the Civil Court in Panvel to try them together, then since Applicant is in private service, he will be required to take leave to attend the court proceedings and it would affect and jeopardize his job prospects. He would submit that in that view of the matter this Court pass appropriate directions. Though he would also submit that he has instructions to submit that Applicant-husband is ready and willing to pay all costs and expenditure incurred to the Respondent-wife to attend the proceedings in Bandra, however considering the averments made in the application, I am not in favour of inclining to the request made by him in the present case due to the hardship that would be encountered by the wife.

4. In view of the grounds stated in the application, though the husband may have some difficulty, but ultimately it is the convenience of the wife which will have to be considered for the purpose of

considering such an application for transfer in matrimonial matters. This is a case where both parties have filed cross marriage petitions, which are pending in the Civil Court at Panvel and Family Court at Bandra. Since Respondent wife is residing at Kharghar and it is closer to Panvel, it will be more convenient for her to attend the Civil Court at Panvel. Considering the ethos of Section 24 of the CPC as enunciated by the Supreme Court in the case of **N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha¹**, the request made by the Applicant-husband is rejected.

5. In that view of the matter, Application cannot be allowed. However, in order to ease the convenience of both parties before me, I direct the transfer of marriage petition No. A-160/2023 instituted in the Family Court at Bandra by the Applicant-Husband to the Civil Court of Civil Judge, Senior Division, at Panvel. I also direct that the said marriage petition after it is transferred shall be clubbed with Marriage Petition No. 441 of 2023 filed by Respondent-wife and both the marriage petitions shall be heard together strictly in accordance with law, keeping all contentions of both parties expressly open. That apart one more request made by Mr. Jadhav also requires to be considered in the interest of justice and parties. The Learned Civil Court of Civil Judge Senior Division, Panvel seized with hearing of both the marriage petitions shall

1 AIR 2022 SC 4318

permit the Applicant -husband to appear on VC on the scheduled dates of hearing if his presence is not strictly required.

6. With the above directions, application is disposed.

(MILIND N. JADHAV, J.)