

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.149 OF 2024

Pooja Saurabh Gaikwad
@ Pooja Dadaso Sontakke

.. Applicant

Versus

Saurabh Uttakeshwar Gaikwad

.. Respondent

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- Mr. Shubham S. Nabriya i./by Mr. Shailesh Chavan, Advocate for Applicant.
- Mr. Shankar Katkar i./by Manisha Devkar, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 28, 2024

P.C.:

1. Heard Mr. Nabriya, learned Advocate for Applicant and Mr. Katkar, learned Advocate for Respondent.

2. Application seeks transfer of Marriage Petition filed by Respondent in the Civil Judge Senior Division, Panvel to the Civil Judge Senior Division, Taluka – Malashiras, District – Solapur.

3. The grounds of hardship are enumerated in paragraph Nos.13 to 18 of the Miscellaneous Civil Application. I have perused the same and the grounds have been meticulously explained by the Applicant. Apart from the proximity of distance, the vulnerability of the Applicant to attend the Court of Civil Judge Senior Division, Panvel for the proceedings and also to seek accompaniment of her aged parents needs to be considered from the point of view of costs and

convenience. The grounds of hardship are clearly evident.

4. Mr. Katkar would draw my attention to the Affidavit-in-Reply dated 23.08.2024 and would contend that Applicant is a well educated lady and therefore she should not have any impediment in travelling from Malashiras to Panvel and Respondent is ready and willing to reimburse the expenditure incurred by her to attend the proceedings in the Court of Civil Judge Senior Division, Panvel on the scheduled dates of hearing. Finally he would submit that the Applicant be allowed to appear through Video Conferencing before the Civil Judge Senior Division, Panvel, if so required.

5. On the scale of balance of convenience the Application of the wife deserves to be allowed. Not only grounds of hardship are evident, allowing transfer would entail convenience to the Applicant. Being educated is not a crime. That also does not signify that the Applicant will therefore have to undertake the journey of 280 kilometers one way to attend the proceedings in Court of Civil Judge Senior Division, Panvel. I fully agree with the submissions made by Mr. Nabriya as also the grounds which are slated in the Application and have no reason whatsoever to disbelieve them, since practical conditions and issues faced have been enumerated by Applicant. The Application therefore deserves to be allowed.

6. The Application is thus allowed in terms of prayer clause (a)

which reads thus:-

“(a) That this Hon’ble Court may be pleased to allow the present application and thereby be pleased to transfer the proceedings pending before the file of Learned Civil Judge, Senior Division, Panvel to Ld. Civil Judge, Senior Division, Malashiras on such terms and conditions as this Hon’ble Court may deem fit and necessary;”

7. Mr. Katkar would submit that Respondent be permitted to appear before the transferee Court through Video Conferencing. That request of Respondent can be allowed. The Court i.e. Civil Judge Senior Division, Malashiras shall permit the Respondent to appear through Video Conferencing.

8. That apart, Mr. Katkar would make one more submission about there been an imminent threat to his life. In that regard he draws my attention to paragraph No.5 of his Affidavit-in-Reply. Perusal of the said paragraph does not show that there is any imminent threat to his life in Malshiras. Nevertheless if Respondent comprehends any threat to his life he can approach the law enforcement agencies in accordance with law.

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

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