

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 168 OF 2024

Krishna Vishal Rathod .. Applicant

Versus

Vishal Ganpatbhai Rathod .. Respondent

-
- Ms. Kalpana Trivedi i/by Mr. Jitendra Gor for Applicant

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2024

P C.:

1. Heard Ms. Trivedi, learned Advocate for Applicant.
2. Present Misc. Civil Application (MCA) is filed by Applicant – wife seeking transfer of Marriage Petition No. A/530/2023 pending before the Family Court at Bandra to Family Court at Thane.
3. Applicant – wife resides in Thane whereas Respondent – husband resides in Malad, Mumbai. Respondent has been duly served and also represented by Advocate which is evident from the previous orders passed by the Court. When the matter is called out today, none appears for Respondent. This MCA is filed on 02.02.2024. Till date four orders have been passed by the Court. If Respondent chooses to remain absent, this Court cannot protract hearing of the MCA since every passing day is prejudicial and detrimental to Applicant – wife.

4. This is an Application filed under Section 24 of the CPC and considering the ethos of Section 24 as delineated by the Supreme Court in the case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha**¹, the Application made by Applicant – wife must be looked at and considered with reference to an array of factors affecting the hardship that would be encountered by the Applicant.

5. I have heard Ms. Trivedi and with her able assistance, perused the MCA. It is seen that wife is residing in Thane whereas Respondent is residing in Mumbai. This Court is well aware of the hardship and difficulty that a woman of 32 years of age would encounter if she is required to travel to the Family Court at Bandra from Thane. Notwithstanding the fact that local trains are crowded, she would have to break journey at Dadar and then change over the terminus and stations from the central corridor to the western corridor and vice versa and also travel by road to some extent. It is seen that Applicant is residing at Thane and it would be much convenient for her to attend the Family Court at Thane to which the transfer is sought by her. Perused the grounds enumerated in paragraph No. 13 of the MCA and considering the same as also the prevailing socio-economic paradigm in the Indian Society while considering such an Application for transfer, the convenience of the Applicant wife will have to be looked

1 AIR 2022 SC 4318

at in matrimonial matters. In that view of the matter, I am inclined to allow the present MCA. Hence, MCA is allowed in terms of prayer clause (a) which reads thus:-

"(a) By an Order of this Hon'ble Court, Marriage Petition A/530/2023 filed and pending on the board of Family Court at Bandra, Mumbai may kindly be transferred on the board of Learned Family court of thane at Thane."

6. Both the concerned Courts shall take cognizance of a server copy of this order and shall not insist on a certified copy of the order and act accordingly for transfer and re-registration of the proceedings as expeditiously as possible and in any events within two weeks from the date of presentation of a server copy of this order to the Courts by the Advocates for the parties.

7. MCA is disposed.

[MILIND N. JADHAV, J.]

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