

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 199 OF 2024

Hemangi Sagar Jamdade

.. Applicant

Versus

Sagar Vilas Jamdade

.. Respondent

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- Ms. Nikita Thuruwal, Advocate i/by Mr. Rajesh More for Applicant.
 - None for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2024.

P.C.:

- 1.** Heard Ms. Thuruwal, learned Advocate for Applicant.
- 2.** Respondent – husband has been served. Affidavit of service has been filed. That apart, notice through the Court was issued on 23.04.2024 and Respondent has been served in the month of July, 2024. The hearing of the Misc. Civil Application (for short “**MCA**”) cannot be protracted any further. Hence, MCA is taken up for hearing.
- 3.** Present MCA seeks transfer of Marriage Petition No.171 of 2022 filed by Respondent – husband pending before the Civil Judge Senior Division, Shrigonda to the Court of Civil Judge Senior Division, Pune. Applicant is residing in Pune alongwith her parents.
- 4.** She is also require to provide care and support for her six year old daughter who resides with her. She is facing financial constraints and is fully dependent on her parents in raising her daughter and for her education. She has filed DV Act proceedings in

Pune in the Court of Judicial Magistrate First Class, Pune in the year 2023, but till date no orders are passed therein and the said proceedings are at the stage of filing of assets and liabilities of Respondent – husband. Hardship of the Applicant is clearly evident on reading of the MCA and more specifically the grounds enumerated in paragraph No.5 of the MCA.

5. Apart from the proximity of distance which would cause, immense hardship to the Applicant – wife, the fact that she is residing with her parents and requires financial assistance as also considering the fact that she is required to provide care for her school going daughter, the Applicant has made out a case for allowing the transfer. In view of the above reasons, there can be no impediment in allowing the present MCA in view of the imprimatur of the Supreme Court in the case of *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha*¹. Hence, in view of the above observations, MCA stands allowed in terms of prayer clause (a) which reads thus:-

“a) The Hon’ble Court may please to transfer Marriage Petition No. 171 of 2022 pending before the Learned Civil Judge Senior Division, Shrigonda u/s.9 of the Learned Civil Judge Senior Division, Pune.”

6. MCA is allowed and disposed.

[MILIND N. JADHAV, J.]

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¹ AIR 2022 SC 4318