

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 227 OF 2024

Shruti Manojkumar Nair

.. Applicant

Versus

Manojkumar Mohan Nair

.. Respondent

.....

- Mr. Satyadev D. Joshi a/w Mr. Dhairya Parekh for Applicant
- Ms. Akshada Karale a/w Ms. Pragati Khopkar i/by Mr. Rahul R. Shelke for Respondent

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CORAM : MILIND N. JADHAV, J.**DATE : SEPTEMBER 4, 2024****P. C.:**

1. Heard Mr. Joshi, learned Advocate for Applicant and Ms. Karale, learned Advocate for Respondent.

2. By the present Misc. Civil Application (MCA), Applicant seeks transfer of Divorce Petition filed by the Respondent husband from the Family Court, Thane to the Civil Court in District Silvassa (Dadra & Nagar Haveli). Apart from the proximity of distance between the two destinations the grounds enumerated in the Application clearly make out the case for allowing a transfer.

3. *Per Contra*, Ms. Karale would however submit that if the Petition is transferred to Silvassa and if the Respondent is required to attend the proceedings at Silvassa, he is apprehending a threat to his life and limb because even during the mediation, family members of

the Applicant had threatened the Respondent in the corridor of this very Court. However in her usual fairness she would also simultaneously submit that if this Court is inclined to transfer the Application considering the hardship expressed by the Applicant then in that case Respondent be permitted to appear through VC on the scheduled dates of hearing. This request made by Ms. Karale is absolutely fair and deserves to be considered.

4. The submissions regarding delivering any threat to Respondent made by Ms. Karale are refuted by Mr. Joshi.

5. Considering the Application, the difficulty and hardship expressed by Applicant as also Applicant being required to provide support and care for her six year old son who is staying with her along with her parents in Silvassa, the Application undoubtedly deserves to be allowed under the provisions of Section 24 of the CPC. Grounds stated in paragraph No. 6 of the Application have been seen by me and they clearly spell out the hardship of the Applicant. In that view of the matter Application stands allowed in terms of prayer clause (i) which reads thus:

"(i) Pass an order transferring the Divorce Petition, Family Suit No. 568/2023 filed by the Respondent before the Family Court, Thane, titled Mr. Manojkumar Mohan Nair vs Mrs. Shruti Manojkumar Nair, Alias: Miss. Shruti Gopinathan Pillai. to the Family Court, Silvassa (Dadra & Nagar Haveli) or any competent court in Silvassa, Dadra & Nagar Haveli, otherwise great prejudice and hardship will be caused to the Petitioner."

6. The Divorce Petition shall stand transferred to the Family Court at Silvassa (Dadra & Nagar Haveli) as requested.
7. Needless to state that the learned Family Court at Silvassa shall permit the Respondent to appear through VC on the scheduled dates in accordance with law which shall be heard by the said Family Court.
8. Both Courts shall take cognizance of a server copy of this order and act accordingly.
9. MCA is allowed and disposed of.

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[MILIND N. JADHAV, J.]

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