

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 307 OF 2024

Dhanvi Datta Awate nee
Harshada Hansraj Thorat

.. Applicant

Versus

Datta Balasaheb Awate

.. Respondent

.....

- Ms. Anjali Shinde for Applicant
- Ms. Prabha Badadare for Respondent

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 27, 2024

P. C.:

1. Heard Ms. Shinde, learned Advocate for Applicant and Ms. Prabha Badadare, learned Advocate for Respondent.

2. Present Misc. Civil Application (MCA) seeks transfer of Marriage Petition filed by Respondent - husband in the Court of Civil Judge Senior Division, Panvel to the Court of Civil Judge Senior Division, Shivajinagar, Pune where the Applicant is residing.

3. Apart from proximity of distance between the two destinations as also the fact that she is required to take care and provide support to her twin children, the hardship of the Applicant - wife is clearly evident. It is also seen that Applicant is working in Pune and therefore it would be difficult for her to travel to Panvel for attending the court proceeding.

4. *Per contra*, Ms. Badadare would submit that Applicant - wife is working and in view of the fact that Respondent - husband is ready and willing to incur the travelling expenditure of the Applicant - wife for attending the court proceedings, present MCA be rejected.

5. After perusing the pleadings and the grounds enumerated in the MCA, hardship of the Applicant - wife would far outweigh the submissions made on behalf of Respondent in the present case. Hardship of the Applicant is clearly evident and in view of the imprimatur of the Supreme Court in the decision in the case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha**¹.. inconvenience of wife will have to be looked at whenever the Court is confronted with such an Application for transfer depending upon an array of factors. Hence, I am not inclined to accept the submissions made by Ms. Badadare and inclined to allow the present MCA.

6. In view of the above, present MCA is allowed in terms of prayer clause (A) which reads thus:-

"A. *This Hon'ble Court may transfer Restitution Petition vide H. M. P. No. 325 of 2024 filed by the Respondent husband from the Court of Civil Judge, Senior Division, Panvel to the Court of Civil Judge, Senior Division, Shivajinagar, Pune.*"

1 AIR 2022 SC 4318

7. Needless to state that Respondent can be permitted to appear through VC on the scheduled dates of hearing by the appropriate Court.

8. All 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.

9. MCA is allowed and disposed.

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[MILIND N. JADHAV, J.]

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by RAVINDRA
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