

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Misc. Civil Application No.325 of 2024

Divya Shyam Shetty nee

Divya Subhash Shetty

... Applicant

V/s.

Shyam Sundar Shetty

... Respondent

Mr. Madhur Salkar a/w. Mr. Shekhar Mane	Advocate for the Applicant.
Mr. J.S. Hegde	Advocate for Respondent

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CORAM : S.M. MODAK, J

DATE : 29 November 2024.

P.C. :

Heard learned Advocate for the applicant-wife and learned Advocate for the respondent-husband.

2. Respondent-husband is served and he has appeared through his Advocate. He has opposed the prayer for transfer for the reason that wife can certainly attend the Pune Court from Thane Court which is not far away and there are modes of transport available.

3. There are two proceedings going on in between both the parties. They are as follows:

- (i) Divorce Petition filed by the husband before the Court of Civil Judge Senior Division, Pune.
- (ii) D.V. proceedings initiated by the wife before the Court of

JMFC at Thane.

That is why this application for transfer of a divorce petition to the Family Court at Thane is filed by the applicant-wife. Even otherwise the convenience of the wife need to be considered. The husband must be attending before the Court of JMFC at Thane. Alternatively, submission is made that if the prayer is allowed, the respondent-husband may be exempted from appearing before Thane Court. It can be considered for limited purpose. Hence, following order is passed:

ORDER

- (i) The application is allowed in terms of prayer clause (a) with direction that Marriage Petition No.634/2022 be transferred from the Court of Joint Civil Judge Senior Division, Pune to Family Court, Thane. The Pune Court to inform about this order to the husband when the petition is fixed therein.
- (ii) After bringing it his notice, immediately the proceedings be transferred to Thane Court.
- (iii) While passing the order the Pune Court should fix the date of appearance of the parties before the Family Court at Thane.
- (iv) The applicant-wife to ascertain with the Thane or Pune Court about the further orders and the next date.
- (v) It is made clear that no fresh notice will be issued to the parties.

- (vi) The Respondent-husband has to attend Thane Court physically for counselling and for giving evidence. For rest of the issues he can appear through his Advocate.

(S.M. MODAK, J.)