

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.375 OF 2024

Ashwini Sudir Dangade
@ Ashwini Bhagwan Dhotre

.. Applicant

Versus

Sudhir Shyam Dangade

.. Respondent

-
- Mr. Sachin Madav Bhavar, Advocate for Applicant.
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 29, 2024

P.C.:

1. Heard Mr. Bhavar, learned Advocate for Applicant. None for Respondent despite being served.

2. At the outset, in compliance of order dated 16.08.2024, additional affidavit dated 22.08.2024 is filed. Copy of the same is placed before me. This Affidavit was directed to be filed in view of clarification about the illness of Applicant - wife. The same is taken on record and is considered by the Court today.

3. Mr. Bhavar also places on record Affidavit of service dated 22.08.2024 which shows that Respondent has been served. Hearing of Application cannot be protracted.

4. Application is filed seeking transfer of Marriage Petition bearing Petition (A) No.495 of 2024 filed in Family Court, Belapur to Civil Judge Senior Division, Baramati, Pune. Applicant resides in Indapur close to Baramati alongwith her parents. The grounds of

hardship are enumerated in paragraph No.8 of the Application. I have perused the same. The convenience of the wife will have to be looked at apart from the fact of proximity of distance between the two destinations. Proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short '**the said Act**') bearing Cri.M.A.No./PWDVA.No.24 of 2024 are filed before the Court of Judicial Magistrate First Class, Indapur by Applicant.

5. Considering the decision of the Supreme Court in the case of **N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha**¹ the cardinal principle for exercise of power under Section 24 is to ensure that ends of justice are met with and that should demand the transfer of the proceedings and most importantly in matrimonial matters, Court will have to consider the plea for transfer based on various parameters and consider the convenience of the wife. The Applicant before me is the wife and on perusing the grounds mentioned in the Application, there is no reason to disbelieve the said grounds.

6. An arguable case has been made out by Mr. Bhavar for allowing the Application. In view of the above, Miscellaneous Civil Application stands allowed in terms of prayer clause (a) which reads thus:-

“(a) This Hon'ble Court be pleased the record and proceeding of the Petition (A) No. 495 of 2024 filed by the Respondent before the Ld. Family Court Thane at Belapur CBD be transferred to the Civil Judge Senior Division Court at Baramati;”

¹ AIR 2022 SC 4318

7. With the above directions, Miscellaneous Civil Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

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by HARSHADA
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