

Vina Khadpe
(P.S.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.397 OF 2024

Yashashree Niranjana Tiwari

.. Applicant

Versus

Niranjana Deepak Tiwari

.. Respondent

-
- Mr. Abhishekh T. Ingale i/b. Tejpal S. Ingale for the Applicant.
 - Mr. Niranjana Deepak Tiwari, Respondent present in-person (VC).
-

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 20, 2024

P.C.:

1. At the outset, Mr. Ingale, learned Advocate appearing for Applicant states that there is a typographical mistake in prayer clause (b). Instead of “Ld. CJSD, Ratnagiri”, the words “Family Court” have been mentioned. According to him, there is no Family Court established at Ratnagiri at present. The said mistake is allowed to be corrected immediately. Amendment is permitted to be carried out forthwith in the presence of the Court and it is also be initialed by the Court. Reverification is dispensed with.

2. This Application seeks transfer of Marriage Petition filed by Respondent – husband from the family Court at Kolhapur to the Civil Judge, Senior Division, Ratnagiri. Applicant – wife has filed Domestic Violence proceedings in the Court at Ratnagiri. She is residing in Ratnagiri with her parents.

Digitally
signed by
VINA
ARVIND
KHADPE
Date:
2024.09.21
17:14:09
+0530

3. Considering the proximity of distance between the two destinations, the inconvenience for the wife to attend the hearing in the Marriage Petition at Kolhapur will have to be considered in view of the imprimatur of the Supreme Court in the case of *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha*,¹ that in the given socio-economic paradigm in the Indian Society, whenever a request for transfer of proceeding is made in matrimonial matters, convenience of the wife must be looked at.

4. Respondent is appearing on VC and I have heard him. He would submit that he is a practicing Advocate at the Bar in Kolhapur. He has appeared in-person and has persuaded me to pass directions to permit him to appear on VC before the Court in the aforesaid proceedings, if the same are transferred. The request by the Respondent appears to be genuine, considering that if he has to travel the distance between the two destinations, his professional practice is likely to be affected and jeopardised. In that view of the matter, request of Respondent deserves to be considered.

5. In view of the above, the Application stands allowed in terms of prayer clause (b) which reads thus :-

(b) This Hon'ble Court may be pleased to pass an Order transferring Hindu Marriage Petition No.A/156/2024 pending before the Family Court at Kolhapur filed by the Respondent u/s. 13(10(i-a) of a Hindu Marriage Act, 1955

¹AIR 2022 SC 4318

to the Ld. CJSD, Ratnagiri at Ratnagiri on such terms and conditions as this Hon'ble Court deemed it fit and proper;

6. It is further directed and clarified that Respondent shall be permitted by the Civil Court of CJSD at Ratnagiri to appear on VC in the transferred Marriage Petition on all scheduled dates of hearing.

7. Considering the Domestic Violence case filed and prosecuted by the Applicant – wife at Ratnagiri, it is directed that the Marriage Petition and Domestic Violence case both shall be now clubbed and heard together by Civil Court of CJSD at Ratnagiri. All Courts shall act on a server copy of this order and shall not insist on a certified copy of the order for the purpose of transfer, re-registration of proceedings. All contentions of parties are expressly kept open.

8. I am informed that the next date of hearing in the Domestic Violence case is on 25 September 2024. In view of this order, learned Judge seized with hearing of the said Domestic Violence case shall ensure that the said proceedings are clubbed and heard together by the Court of Civil Judge, Senior Division, Ratnagiri.

9. With above directions, Misc. Civil Application stands allowed and disposed.