

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.46 OF 2024

Asawari Dayanand Shetke ...Applicant
vs.
Dayanand Santosh Shetke ...Respondent

Mr. Rahul Kasbekar, for the Applicant.
Mr. Ashutosh Gavnekar i/b. Mr. Rohit Parab, for Respondent.

CORAM : N. J. JAMADAR, J.
DATE : JANUARY 17, 2025

P.C:

1. Heard the learned counsel for the parties.
2. This is an application under section 24 of Code of Civil Procedure Code, 1908 seeking transfer of Special Marriage Petition No. 9 of 2022 pending on the file of learned District Judge at Ichalkaranji to the District Court at Kolhapur.
3. The marriage of the petitioner and respondent was solemnized on 20th June, 2022 under the provisions of Special Marriage Act, 1955. In the wake of marital discord, the petitioner has filed a petition for annulment of marriage under section 25(iii) of the Special Marriage Act, 1954, before the District Court at Kolhapur.
4. The respondent, in turn, has instituted a petition, being Special Marriage Petition No. 9 of 2022, for restitution of conjugal

rights under section 22 of the Special Marriage Act, 1954, subsequently. The respondent has also filed a counter claim in the said Special Marriage Petition instituted by the petitioner before the District Court at Kolhapur, and sought a decree for restitution of conjugal rights.

5. The learned counsel for the petitioner submits that on account of events which have transpired and adverted to in paragraph 3 of the application, it is difficult for the petitioner to appear and contest the proceedings before the learned District Judge, Ichalkaranji.

6. In any event, in the backdrop of the matrimonial dispute and the relief claimed in both the petitions, it would be expedient in the interest of justice that both the petitions are heard and decided by one and the same Court. Since an apprehension about the safety of the petitioner is expressed, it may also be expedient in the interest of justice that the proceeding pending on the file of learned District Judge at Ichalkaranji be transferred to the District Court at Kolhapur. The distance between two stations is not such that the parties would be put to inconvenience.

Hence, the following order.

ORDER

- 1] The application stands allowed in terms of prayer clause (a).
- 2] The Special Marriage Petition No. 9 of 2022 pending on the file of learned District Judge at Ichalkaranji stands transferred to the District Court at Kolhapur for hearing and disposal in accordance with law, alongwith Special Marriage Petition No.9 of 2022 instituted by the petitioner and pending on the file of District Court at Kolhapur.
- 3] The learned District Judge, Ichalkaranji shall transfer the record and proceedings in Special Marriage Petition No. 9 of 2022 with such dispatch that it reaches the District Court, Kolhapur within a period of three weeks from the date of communication of this order.
- 4] Application disposed.
- 5] No costs.

(N. J. JAMADAR, J.)