

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 409 OF 2024

Aashalata Rajesh Shigwan ...Applicant
Versus
Rajesh Govind Shigwan ...Respondent

Mr. B. A. Lawate, a/w Sandesh Inamdar – Shinde, for the
Applicant.
Ms. Anita Bhaktwani, through VC, for the Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 7th MARCH, 2025

ORDER:-

1. Heard the learned Counsel for the parties.
2. This is an application for transfer of Marriage Petition No.A-1930 of 2022 from the Family Court at Pune to the Family Court at Bandra, Mumbai.
3. The marriage of the applicant was solemnized with the respondent on 17th April, 2022. In the wake of the marital discord, the applicant has been constrained to take shelter at her parental home at Mumbai. The respondent has filed a petition for a decree of nullity of marriage before the Family Court at Pune asserting *inter alia* that the applicant is suffering from mental illness and the said fact was suppressed from the respondent. The applicant finds it

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extremely inconvenient to travel to Pune and defend the proceeding before the Family Court at Pune. The applicant does not have much financial and logistical support. The applicant is also suffering from ailments. Copies of the medical case history and prescriptions are annexed to the application.

4. The respondent resisted the application. The learned Counsel for the respondent submitted that the applicant can conveniently attend the proceeding at Pune. The respondent would bear the travelling expenses of the applicant for the day she attends proceeding before the Family Court, Pune.

5. I have carefully perused the material on record. Evidently, the applicant is residing at Mumbai. It does not seem that the applicant has the necessary logistical and financial support to travel to Pune and effectively defend the proceeding. Moreover, from the perusal of the medical papers annexed to the application it *prima facie* appears that the applicant is suffering from such ailments which require constant support. It would be extremely inconvenient and onerous for the applicant to travel to Pune. She would not be in a position to effectively defend the proceeding at Pune.

6. It is trite that in the matter of the transfer of the matrimonial proceeding, ordinarily, it is the convenience of the wife which commands precedence. In the case at hand, in addition to the aspect of convenience, the ailments, which the applicant appears to be suffering from, persuade the Court to exercise the jurisdiction to transfer the proceeding from the Family Court at Pune to the Family Court at Bandra, Mumbai.

7. Hence, the following order:

: O R D E R :

- (i) The application stands allowed in terms of prayer clause (b).
- (ii) Marriage Petition No.A-1930/2022, pending on the file of Family Court at Pune, stands transferred to the Family Court at Bandra, Mumbai, for hearing and disposal in accordance with law.
- (iii) The learned Judge, Family Court, Pune, shall transfer the record and proceedings in Marriage Petition No.A-1930/2022 with such dispatch that it reaches the Family Court at Bandra, Mumbai, within a period of four weeks from the date of communication of this order.

(iv) Application stands disposed.

No costs.

[N. J. JAMADAR, J.]