

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 424 OF 2024**

Siddhi Sachin Ghanekar	..Applicant
Versus	
Sachin Yashwant Ghanekar	...Respondent

Ms. Manisha Devkar, h/f Vrishali Raje, for the Applicant.
None for the Respondent.

**CORAM: N. J. JAMADAR, J.
DATED : 21st FEBRUARY 2025**

P.C.:

1. Heard the learned Counsel for the applicant.
2. The learned Counsel for the applicant seeks leave to amend the application so as to correct “CJSD, Ratnagiri” to “CJSD, Khed”.

Leave granted. Necessary amendment be carried out within a period of one week. Re-verification dispensed with.

3. Office reports indicates that notice has been duly served on the respondent. None present for the respondent.

4. The applicant-wife has preferred this application seeking transfer of Marriage Petition No. 54 of 2018, filed by the respondent-husband, from the Court of Civil Judge, Senior Division, Khed, District Ratnagiri to the Court of Civil Judge, Senior Division, Vasai, District Thane.

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5. The marriage of the applicant was solemnized with the respondent on 15th March 2011 at Chiplun. They were blessed with a daughter, who is now 11 years old. In the wake of marital discord, the applicant has been constrained to reside at Bhayandar along with her parents. The respondent has filed a Petition for dissolution of marriage being HMP No. 64 of 2017 (now numbered as 54 of 2018) under Section 13 (1)(i-a) of the Hindu Marriage Act 1955 before the Court of CJSD, Khed.

6. The applicant avers that the applicant has no independent source of income. The distance between Vasai and Khed is about 338 kms. Her 11 year old daughter is dependent on the applicant. It would be extremely inconvenient for the applicant to travel to Khed to defend the proceeding.

7. The averments in the application have gone uncontraverted. The applicant seems to have filed a proceeding under the Protection of Women from Domestic Violence Act 2006 (“DV Act”) before the Court of Magistrate at Vasai. The Applicant is residing at Bhayandar. The distance between the Bhayandar and Khed is prohibitive. The applicant does not seem to have financial and logistical support to effectively defend the proceeding at Khed, District Ratnagiri.

8. It is trite that in the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands preference.

9. I am, therefore, inclined to allow the application.

10. Hence, the following order:

: O R D E R :

(i) The application stands allowed in terms of prayer clause (a).

(ii) The Marriage Petition No. 54 of 2018 pending on the file of CJSD, Khed, District Ratnagiri, stands transferred to the Court of CJSD, Vasai, District Thane, for hearing and disposal in accordance with law.

(iii) The learned CJSD, Khed, shall transfer the record and proceedings in Marriage Petition No. 54 of 2018 with such dispatch that it reaches the Court of CJSD, Vasai, within a period of four weeks from the date of communication of this order.

Application disposed.

[N. J. JAMADAR, J.]