

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.467 OF 2024

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Laxmi Kiran Shinde

...Applicant

vs.

Kiran Dagadu Shinde

...Respondent

Mr. Onkar Shidne a/w. Ms. Archana Mane i/b. Ms. Sarla Shinde, for
the Applicant.

CORAM : N. J. JAMADAR, J.

DATE : JANUARY 31, 2025

P.C:

1. Heard the learned counsel for the applicant.
2. This is an application under section 24 of the Code of Civil Procedure, 1908 for transfer of Marriage Petition No. 121 of 2024 from the Family Court at Solapur to the Family Court, CBD-Belapur, at Navi Mumbai.
3. None appears for the respondent.
4. An affidavit of service has been filed. The notice sent by RPAD has been returned with the remark “unclaimed”. The Bailiff has also reported that respondent avoided to accept the service of notice.
5. The marriage of the applicant was solemnized with the respondent on 5th April, 2021. They are blessed with a son master Ojas.
6. In the wake of marital discord, the applicant was constrained to take shelter at her parental home at CBD-Belapur, Navi Mumbai.

The applicant has filed a proceeding under the Protection of Women From Domestic Violence Act, 2005, being Criminal M.A.No. 26 of 2024 in the Court of JMFC, Belapur, on 20th January, 2024. To give a counter blast, the applicant asserts, the respondent has filed a petition for annulment of marriage on 30th March, 2024 being Marriage Petition No. A-121 of 2024 in the Family Court at Solapur.

7. The father of the applicant has passed away. The applicant has no independent source of income. The applicant and her son are dependent upon the applicant's mother. Solapur is more than 400 km away from the place of residence of the applicant. It is, therefore, inconvenient for the applicant to attend the proceeding at Solapur.

8. The averments in the application have gone untraversed. The distance between CBD Belapur, where the applicant resides, and Solapur is prohibitive. It appears that the applicant has no means to effectively defend the proceeding before the Family Court at Solapur. The applicant would suffer extreme inconvenience and grave prejudice if the marriage petition is heard and decided at Solapur. A proceeding under Domestic Violence Act is subjudice before the Court of JMFC at CBD Belapur. Thus, the dictates of extreme inconvenience and hardship to the applicant persuade the Court to allow the application.

Hence, the following order.

ORDER

- 1] Application stands allowed in terms of prayer clause (a).
- 2] Marriage Petition No. A-121 of 2024 stands transferred from the Family Court at Solapur to the Family Court, CBD-Belapur at Navi Mumbai for hearing and disposal in accordance with law.
- 3] The learned Judge, Family Court, Solapur shall transfer the record and proceedings in Marriage Petition No. A-121 of 2024 with such dispatch that it reaches the Family Court, CBD Belapur, at Navi Mumbai within a period of four weeks from the date of communication of this order.

(N. J. JAMADAR, J.)