

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 465 OF 2024

Kavita @ Savita Siddheshwar ... Applicant
Bobade
V/s.
Siddheshwar Shivaji Bobade ... Respondent

Mr. Balwant Salunke, for the applicant.

CORAM : N.J. JAMADAR, J.

DATE : 25TH APRIL 2025.

PC:

1. Heard learned counsel for the applicant.
2. None appears for the respondent.
3. Office report indicates that the respondent has been duly served.
4. This application is filed seeking transfer of Marriage Petition No. 25 of 2024 from the Court of learned Civil Judge, Senior Division-Karjat, District-Ahmadnagar to the Court of learned Civil Judge, Senior Division-Islampur, District-Sangli.
5. The marriage of the applicant was solemnized with the respondent on 24th May 2010. They are blessed with a son. In the wake of the marital discord, the applicant was constrained to take shelter at her parental home at Islampur, along with her minor son. The

applicant has filed a proceeding under the Protection of Women from Domestic Violence Act, 2005 being Criminal Application No. 71 of 2024, before the Court of Magistrate, Islampur, District-Sangli. The respondent has instituted a petition for dissolution of marriage, being Marriage Petition No. 25 of 2024, before the Court of Civil Judge Senior Division at Karjat, District-Ahmadnagar. The distance between the place of the residence of the applicant and Karjat District-Ahmadnagar is more than 300 kilometers. The applicant has no means to effectively defend the proceedings at Karjat, District-Ahmadnagar. Hence, this application.

7. The averments in the application have gone uncontroverted. Indisputably, the applicant has been residing at Islampur, District-Sangli along with her minor son. The distance between Islampur and Karjat is more than 300 kilometers. The applicant does not seem to have logistical and financial support to effectively defend the proceeding at Karjat, District-Ahmadnagar. The applicant would suffer inconvenience and hardship if the marriage petition is tried before the Civil Judge Senior Division Karjat, District-Ahmandnagar. It is trite in the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands preference. Therefore, I am inclined to allow the application.

ORDER

- i) The application stands allowed
- ii) Marriage Petition No. 25 of 2024 stands transferred from the Court of learned Civil Judge Senior Division Karjat, Dist-

Ahmadnagar to Civil Judge Senior Division Islampur, Dist-Sangli, for hearing and disposal in accordance with law.

iii) The learned Judge, Karjat, District-Ahmadnagar shall transfer the record and proceedings in Petition No. 25 of 2024 with such dispatch that it reaches the Court of Civil Judge, Islampur, Dist-Sangli, within a period of four weeks from the date of communication of this order.

iv) Application stands disposed.

No costs.

(N.J. JAMADAR, J)