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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 19 OF 2024

Shweta Shambhuraj Lokre

...Applicant

Versus

Shambhuraj Dilip Lokre

...Respondent

Mr. Anurag R. Kulkarni, for the Applicant.

Mr. Abhishek Nandimath, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATE: 24th JANUARY 2025

ORDER:-

- 1.** Heard learned Counsel for the parties.
- 2.** This Application is preferred under Section 24 of the Code of Civil Procedure 1908 (“the Code”), seeking transfer of Marriage Petition No. 405 of 2024 pending on the file of learned Civil Judge, Senior Division at Karad, District Satara to the Court of learned Civil Judge, Senior Division at Kalyan, District Thane.
- 3.** The Applicant is the wife of the Respondent. Their marriage was solemnized on 19th December 2020. They were blessed with twin sons on 28th February 2022. In the wake of marital discord, the Applicant was constrained to take shelter at her parental home.

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4. The Respondent has instituted a Marriage Petition under Section 13 (1) (i-a) of the Hindu Marriage Act 1955, in the Court of CJSD at Karad.

5. The Applicant who is residing at her parental home alongwith her twin sons works from home and finds it extremely inconvenient and onerous to attend the proceeding in the said Petition before the Civil Court at Karad.

6. The Respondent has resisted the Application. The Respondent was working at Bengaluru. His mother, has filed Affidavit in Reply and Affidavit in Surrejoinder in the capacity of the constituted attorney of the Respondent.

7. During the course of the submissions, the learned Counsel for the Respondent submitted that the Respondent is working abroad, and the mother of the Respondent, who is an old lady, would find it difficult to travel from Karad to Kalyan. Therefore, the proceeding may not be transferred.

8. Few facts are incontrovertible. The Applicant is residing at Dombivali (East) with her parents. The Applicant has to look after her twin sons, who are two years of age. The Applicant is also working from home. The distance between Dombivali to Karad is prohibitive. It would be extremely inconvenient for the Applicant to travel to Karad from Dombivali to attend the proceeding before the Civil Court at Karad.

Since the Respondent is stated to be working abroad, the scale of inconvenience tilts in favour of the Applicant. I am, therefore, inclined to allow the Application.

9. 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. 405 of 2024 pending on the file of CJSD Karad, stands transferred to the Court of learned CJSD, Kalyan, District Thane, for hearing and disposal in accordance with law.

(iii) The learned Judge, CJSD, Karad, shall transfer the record and proceedings in Marriage Petition No. 405 of 2024 with such dispatch that it reaches the Court of CJSD, Kalyan, within a period of four weeks from the date of communication of this order.

Application disposed.

[N. J. JAMADAR, J.]