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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.25 OF 2025

Poonam Hitesh Gaikwad ... Applicant
Hitesh Chandramohan Gaikwad ...Respondent

Mr. Dishant Chitalia a/w. Adv. Niraj Bhatiya i/by Dimple Joshi
for the Applicant.
None for the Respondent.

CORAM : Kamal Khata, J.
DATED : 8th July 2025.

P.C.:-

1. This Miscellaneous Civil Application is filed by the Applicant-wife under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of Marriage Petition No. A-147/2024 filed by the Respondent-husband under section 13(1)(ia) of the Hindu Marriage Act, 1955 for divorce, from the Family Court at Thane to the Family Court, Bandra, Mumbai.
2. Despite service none appears for the Respondent.
3. The Applicant submits that the marriage took place on

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25th February, 2011 at Thane, in accordance with Hindu rites and rituals. A son was born out of the said wedlock on 18th August 2014.

4. After nearly 12 Years of marriage, the Applicant filled Petition A-526/2023 u/s 9 of the Hindu Marriage Act, 1955 on 2nd March, 2023, and Petition E 64/2023 u/s 125 Code of Criminal Procedure, 1973, on 21st March, 2023 before the Family Court, Bandra.

5. Meanwhile, the Respondent filed a Divorce Petition no. A-147/2024 at the Family Court, Thane. Learned counsel for the Applicant submits that the Applicant with her minor son currently reside at Prabhadevi, Mumbai, whereas the Respondent resides in Qatar and has neither appeared in person nor through video conference. It is therefore submitted that no prejudice would be caused to the Respondent-husband if the proceedings are transferred, while the Applicant faces hardship due to long distance travel from Prabhadevi to Thane. Hence transfer of proceedings is sought from Family Court, Thane to Family Court, Bandra.

6. Learned Advocate for the Applicant submits that, the Applicant is currently unemployed, has no independent

source of income, and is under financial constraints.

7. Having heard the learned counsel for the Applicant and having perused the papers, I am satisfied with the reasons stated in the Application. Further, in view of the decision of the Hon'ble Supreme court in the case of ***N. C. V. Aishwarya Vs. A. S. Saravana Karthik Sha¹***, wherein the Court held that the convenience of the wife must be given due consideration while deciding transfer application.

8. In view of the above, I pass the following order:-

- i. The Application is allowed in terms of prayer (a).
- ii. The Family Court, Bandra may permit the Respondent to appear via Video Conferencing, if permission is sought and his physical presence is not absolutely necessary. Any such application made shall be considered by the Court on its own merits.
- iii. The transfer may be effected within a period of four weeks and upon receipt of the papers and proceedings the Family Court, Bandra shall give notice to the parties, preferably within three weeks to proceed with their respective matters.

iv. Application is accordingly disposed of.

¹ 2022 SCC OnLine 1199

v. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J.)