

**IN THE HIGH Court OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO.51 OF 2025

Amruta w/o Sachin Sonune	]	
Age-37 Yrs, Occ-Housewife,	]	
R/o- Near Kalika Devi Temple,	]	
Near Market Yard, Tal-Kalamb,	]	
Dist-Osmanabad, Pin-	]	... Applicant

Versus

Sachin s/o Namdev Sonune	]	
Age-39 years, Occ-Service	]	
R/o - Flat No-B/301, Sun Safire,	]	
Survey No-131,	]	
Near Silver Jubilee Motors	]	
Hadapsar, Pune-411028	]	...Respondent

Mr. Abhishek Kulkarni, a/w Adv. Sagar Wakale and Adv. R.S. Pere for the Applicant.

Adv. Ajinkya Udane, a/w Adv. Vinayak Pandit and Adv. S. Mansoori for the Respondent.

**CORAM : KAMAL KHATA, J.
RESERVED ON : 25th July, 2025
PRONOUNCED ON : 1st August, 2025**

JUDGMENT:

1. By this Application, the Applicant-wife seeks transfer of proceedings pending before the Family Court at Pune to the Civil Court, Senior Division, Kalamb, District Osmanabad. The Applicant states that she is a resident of Osmanabad, is a housewife, and has no independent source of income.

2. The marriage was solemnized on 5th April, 2016 in accordance with Hindu rites and rituals. It is submitted that it was an inter-caste

love marriage.

3. The Applicant contends that she was subjected to mental and physical cruelty by the Respondent and his parents. She alleges that the Respondent is an alcoholic and has extramarital relations with another woman.
4. Divorce proceedings have been initiated by the Respondent before the Family Court at Pune, which the Applicant states that she has attended on a few occasions – on at least two of which the Court was on leave.
5. She contends that she is financially dependent on her parents and is therefore unable to pursue the proceedings in Pune. On this basis she seeks transfer of the proceedings.
6. Mr. Kulkarni, learned Advocate for the Applicant, submits that the distance between Osmanabad and Pune is approximately 280 kms and travel is highly inconvenient given the Applicant's health condition- she suffers from diabetes, hypertension, and piles, for which her doctor has advised her to avoid long-distance travel.
7. He further submits that apart from physical hardship, each visit involves substantial financial expense, with one-way travel costing ₹4,000 to ₹5,000, and the total expenses per visit aggregating to around ₹10,000. He submits, however, on instructions, that the Applicant is still willing to cohabit with the

Respondent.

8. In support of the transfer request, reliance is placed on *Sumita Singh v. Kumar Sanjay & Ors.*¹ and *Sunita v. Baliram*², where the courts have considered the hardship and life circumstances of wives seeking transfer of matrimonial proceedings.

9. Per contra, Mr. Udane, learned Advocate for the Respondent, submits that this Application is a tactical move intended to delay the proceedings, which are currently fixed for final hearing. He points out that the Respondent is employed in a private software company, is the sole earning member of his family, and is required to care for his ailing mother (as his father has passed), making travel to Osmanabad equally inconvenient and could jeopardize his job for being compelled to take leave to attend Court.

10. He draws the Court's attention to the *roznama* of the Family Court, Pune, to show that the Applicant's Advocate has been appearing and that no prejudice would be caused to the Applicant if the matter is not transferred. He further submits that the pendency of this Application has stalled the final adjudication, therefore, it would be entirely unjustifiable to transfer the proceedings at this stage.

11. It is argued that the Applicant has attended the Pune Court 5-6 times and is represented by counsel. Moreover, the Family Court is

¹ (2001) 10 SCC 41

² (2012) 2 Mah.LJ 143

equipped with video conferencing facilities that the Applicant can avail of. If her physical presence is required, the Respondent is willing to bear travel expenses of ₹3,000 per appearance, though the Affidavit-in-Reply initially mentions ₹1,500-₹2,000. He submits that the balance of convenience is in favour of the husband as the hardship caused to him far outweighs that of the wife who has no responsibilities to cater to.

12. He relies on *Anindita Das v. Srijit Das*³ to argue that each transfer petition must be considered on its own facts, and courts must guard against abuse of leniency. He also relies on *Krishna Veni Nagam v. Harish Nagam*⁴ to contend that transfer is not always the appropriate remedy, and that video conferencing should be encouraged to reduce the need for physical appearances.

13. Heard both the Advocates and perused the papers.

14. I find substance in the submissions made by Mr. Udane. The Applicant has admittedly appeared before the Family Court, Pune on multiple occasions and that the matter is slated for final arguments. The *roznama* reveals that she and her counsel have been afforded adequate opportunity to be heard. Her conduct, as reflected in the record, suggests an intention to delay the proceedings.

15. In *Abhilasha Gupta v Harimohan Gupta*⁵, the Supreme Court

³ (2006) 9 SCC 197

⁴ 2017 SCC OnLine SC 236.

⁵ (2021) 9 SCC 730

has held that where the matter is at an advanced stage of trial, it ought not to be transferred.

16. Order dated 18th November 2024 records that the Applicant has been deliberately delaying the matter for over four years. It notes that her application to set aside the "no written statement" order was rejected on account of delay—Examination-in-Chief had been filed on 18th January 2024, yet she remained absent and was unrepresented, resulting in a "no-cross" order on 22nd February 2024.

17. The Court further noted that the Applicant remained absent for nearly seven months thereafter. Despite repeated opportunities, she failed to cooperate with the final hearing. Her plea of financial hardship was also disbelieved, as it appeared to be a tactic to protract the matter.

18. Having considered the totality of circumstances, I am of the view that this Transfer Application is a strategic attempt to delay the proceedings. Such misuse of the process cannot be permitted.

19. The allegations in the Application are vague, unsupported by particulars, and at times self-contradictory. While alleging cruelty and harassment, she simultaneously expresses willingness to cohabit. The reference to "parents" is misleading, as the father-in-law is deceased and the Respondent resides only with his ailing mother. There is no explanation for not seeking transfer earlier or for not

availing the video conferencing facility.

20. In the facts and circumstances, the inconvenience to the Respondent outweighs the inconvenience pleaded by the Applicant. Her averments are unconvincing and lack credibility. The delay in seeking setting aside of the "no written statement" order further demonstrates an intention to stall the proceedings despite being represented by counsel.

21. In view of the above, the application is without merit and is dismissed with no order as to costs.

22. However, it is clarified that the Applicant is at liberty to seek permission from the Family Court, Pune to appear via video conferencing, and the Family Court shall consider such a request on its own merits.

23. In the event that the Family Court requires her personal presence, the Respondent shall pay ₹5,000 per appearance towards the Applicant's travel and related expenses.

24. The Family Court, Pune is directed to dispose of this matter finally preferably within three months of uploading of this order on the website of the Bombay High Court.

25. All concerned shall act on the authenticated copy of this order.

(KAMAL KHATA, J.)