

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

MISC. CIVIL APPLICATION NO. 72 OF 2025

Samruddhi Avinash Chavan	Versus	...Applicant
Avinash Rajaram Chavan		...Respondent

SANTOSH
SUBHASH
KULKARNI

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Mr. Dinesh Shinde, i/b Datta Mane, for the Applicant.
Mr. Sumit Kothari, for the Respondent.

**CORAM: N. J. JAMADAR, J.
DATED: 9th MAY, 2025**

PC:-

1. Heard the learned Counsel for the parties.
2. This is an application for transfer of Marriage Petition No.199 of 2024 from the Court of Civil Judge, Senior Division, Khed, to the Court of Civil Judge, Senior Division, Vasai.
3. The marriage of the applicant was solemnized with the respondent on 27th December, 2010. Out of the wedlock, the applicant and respondent have a son. In the wake of the marital discord, the applicant has filed a report at Arnala Police Station bearing FIR No.294/2021 for the offence punishable under Sections 498-A, 338, 323, 504 & 506 of the Indian Penal Code, 1860. The applicant has also filed a proceeding under DV Act, 2005 before the Court at Vasai. The respondent has filed a

petition for dissolution of marriage before the Court of Civil Judge, Senior Division, Khed, being Marriage Petition No.199 of 2024.

4. The applicant – wife has filed this application to transfer the marriage petition from the Court of Civil Judge, Senior Division, Khed, to the Court of Civil Judge, Senior Division, Vasai, on the grounds of inconvenience and absence of logistical and financial support as well as pendency of other proceedings before the Courts at Vasai.

5. The learned Counsel for the respondent resisted the application on the ground that the proceeding before the Court at Khed has reached an advanced stage and the matter is for cross-examination of the respondent. It was submitted that, the respondent is ready to bear the expenses of travel whenever the applicant attends the proceeding before the Civil Court at Khed.

6. The material on record indicates that a number of proceedings have been filed by and between the parties. Three of the proceedings are pending before the Court at Vasai. The distance between Khed and Vasai is prohibitive. It is trite that in the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands precedence.

The elements of inconvenience and hardship tilt in favour of the applicant.

7. The element of inconvenience likely to be caused to the respondent can be taken care of by granting liberty to the respondent to appear before the Civil Court at Vasai through Video Conferencing. I am, therefore, inclined to allow the application.

8. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) HMP/199/2024 pending on the file of Civil Judge, Senior Division, Khed, stands transferred to the Court of Civil Judge, Senior Division, Vasai, for hearing and disposal in accordance with law.
- (iii) The learned Civil Judge, Senior Division at Khed, shall transfer the record and proceedings in HMP/199/2024 with such dispatch that it reaches the Court of Civil Judge, Senior Division at Vasai, within a period of four weeks from the date of communication of this order.
- (iv) Application stands disposed.

No costs.

[N. J. JAMADAR, J.]