

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 97 OF 2024**

Darshika Palash Linge

..Applicant

Versus

Palash Satish Linge

...Respondent

Adv Kanchan Phatak, h/f Nitin Deshpande, for the Applicant.
Mr. Shreyas Deshpande, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 21st FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the parties.
2. This Application is preferred seeking transfer of Marriage Petition (A) No. 234 of 2023. pending on the file from Family Court Jalgaon to the Family Court at Pune.
3. The marriage of the Applicant was solemnized with the Respondent on 16th February 2020. Post marriage, the Applicant and Respondent were residing at Pune. In the wake of marital discord the Applicant was constrained to take shelter at her parental home at Pune. The Respondent has instituted a Petition for dissolution of marriage under Section 13(1) of the Hindu Marriage Act 1955 before the Family Court at Jalgaon. The Applicant has no financial and logistical support

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to effectively defend the proceeding at Jalgaon. The Applicant is working with Bhagini Nivedita Co-operative Bank Ltd, Karve Nagar, Pune.

4. The learned Counsel for the Respondent resisted the Application.

5. Evidently, the Applicant is residing at her parental home at Pune. The Applicant is working at Pune. The distance between Pune and Jalgaon is prohibitive.

6. In these circumstances, the Applicant would suffer inconvenience and hardship in defending the Petition (A) No. 234 of 2023 pending on the file of Family Court Jalgaon.

7. The principles which govern the exercise of power under Section 24 of the Code, especially in the matters arising out of matrimonial proceedings, were expounded by the Supreme Court in the case of **N.C.V. Aishwarya Vs A.S. Saravana Karthik Sha¹** in the following terms.

“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both

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the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.

8. The aforesaid enunciation governs the case at hand. 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 (A) No. 234 of 2023 pending on the file of Family Court at Jalgaon, stands transferred to the Family Court at Pune, for hearing and disposal in accordance with law.

(iii) The learned Judge, Family Court at Jalgaon shall transfer the record and proceedings in Marriage Petition

(A) No. 234 of 2023 with such dispatch that it reaches the Family Court at Pune, within a period of four weeks from the date of communication of this order.

Application disposed.

[N. J. JAMADAR, J.]