

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 153 OF 2024

Ankita Atul Doiphode

..Applicant

Versus

Atul Arun Doiphode

...Respondent

Mr. Kuldeep U. Nikam, for the Applicant.

Mr. Shantanu H. Katkar, i/b Pradip Patil, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 7th FEBRUARY 2025

P.C.:

- 1.** Heard learned Counsel for the parties.
- 2.** The Applicant wife has preferred this Application for seeking transfer of Marriage Petition No. 3 of 2024 from the Court of Civil Judge, Senior Division, Ambajogai, District Beed to Family Court at Bandra, Mumbai.
- 3.** The marriage of the Applicant was solemnized with the Respondent on 22nd February 2022. In the wake of marital discord, the Applicant came to reside at her ancestral home at Mumbai. The Applicant has lodged a report being CR No. 13 of 2024 against the Respondent and his relatives for the offences punishable under Section 406, 323, 504, 506 and 498-A read with Section 34 of the Indian Penal Code 1860 ("the Penal Code") at Pantnagar Police Station, Mumbai.

ARUN
RAMCHANDRA
SANKPAL

Digitally signed
by ARUN
RAMCHANDRA
SANKPAL
Date: 2025.02.11
19:06:47 +0530

4. In the meanwhile, the Respondent has instituted Marriage Petition No. 3 of 2024, for dissolution of marriage before the CJSD at Ambajogai.

5. The Applicant asserts that the Applicant is dependent on her parents. It would be extremely inconvenient for the Applicant to travel to Ambajogai to attend the proceeding in the Marriage Petition.

6. The Respondent has resisted the Application.

7. The learned Counsel for the Respondent submitted that the ancestral home of the Applicant is 40 kms away from Ambajogai. The Applicant and her parents frequently visit the said place in the Latur District. The Applicant has pursued her Post Graduation at Latur. Thus the Applicant would not suffer any inconvenience if the Marriage Petition is heard and decided at Ambajogai.

8. Evidently, the said Marriage Petition was filed with the assertion that the Applicant was residing at Mumbai. It appears that the notice of the said Marriage Petition was served on the Applicant at Mumbai. The distance between Mumbai and Ambajogai is about 500 kms. The distance is prohibitive. The Applicant claims to be dependent on her parents. If the Marriage Petition is tried at Ambajogai, the Applicant may not be in a position to effectively defend the same on account of logistical and financial constraints. The Applicant would suffer extreme inconvenience and hardship if the proceeding is tried at Ambajogai. It is

trite, generally, the convenience of the wife commands preference in the matter of transfer of matrimonial proceedings.

9. I am, therefore, inclined to allow the Application. At the same time the concern of the Respondent can be addressed by granting him liberty to appear before the Family Court through video conferencing.

10. Hence the following order:

ORDER

(i) The Miscellaneous Civil Application No. 153 of 2024 stands allowed in terms of prayer clause (a).

(ii) The Marriage Petition No. 3 of 2024 pending on the file of CJSD Ambajogai, stands transferred to the Family Court at Bandra, for hearing and disposal in accordance with law.

(iii) The learned CJSD Ambajogai, shall transfer the record and proceedings in Marriage Petition No. 3 of 2024 with such dispatch that it reaches the Family Court, Bandra, within a period of four weeks from the date of communication of this order.

(iv) The Respondent is at liberty to

appear before the Family Court Bandra,
Mumbai, through video conferencing.
However, whenever the learned Judge
Family Court considers it appropriate and
directs the Respondent to appear in person,
the Respondent shall appear in person
before the Family Court.

Application disposed.

[N. J. JAMADAR, J.]