

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.201 OF 2024

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Gauri Swapnil Patil

...Applicant

vs.

Swapnil Gurunath Patil

...Respondent

Ms. Sheetal Pakhare for the Applicant.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 7, 2025

P.C:

1. Heard the learned counsel for the applicant.
2. This is an application under section 24 of the Code of Civil Procedure, 1908 for transfer of Misc. PWDVA No. 18 of 2023 pending on the file of learned JMFC, Jawhar and Petition No. 186 of 2023 from the Family Court at Alibag to the Family Court, Thane.
3. The marriage of the applicant was solemnized with the respondent on 25th May, 2021. They are blessed with a daughter.
4. In the wake of marital discord, the applicant has filed a proceeding under the Protection of Women From Domestic Violence Act, 2005. The respondent, on his part, has filed a petition for restitution of conjugal rights in the Family Court at Alibagh, being Petition No. 186 of 2023.
5. The applicant is residing along with her daughter at her

parental home at Thane, The applicant finds its extremely inconvenient to attend the proceeding before the learned Magistrate at Jawhar and Family Court at Thane.

6. The respondent has not appeared despite service of notice. The averments have gone untraversed. It seems that the applicant has been constrained to take shelter at her parental home at Thane. The applicant would find it extremely inconvenient to attend two proceedings before two different Courts. I am, therefore, inclined to allow the application.

Hence, the following order.

ORDER

1] Application stands allowed in terms of prayer clauses (a) and (b).

2] The Misc. PWDVA No. 18 of 2023 pending on the file of learned JMFC, Jawhar and Petition No. 186 of 2023 pending on the file of Family Court at Alibagh stand transferred to the Family Court at Thane for hearing and disposal in accordance with law.

3] The learned JMFC, Jawhar and learned Judge, Family Court at Alibagh shall transfer the record and proceedings in Misc. PWDVA No. 18 of 2023 and

Petition No. 186 of 2023, respectively, with such dispatch that it reaches the Family Court at Thane within a period of four weeks from the date of communication of this order.

Application disposed.

(N. J. JAMADAR, J.)