

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

MISCELLANEOUS CIVIL APPLICATION NO.207 OF 2024

Ameya Yashwant Mehar	]	
Aged: 44 years, Indian Citizen,	]	
Having Correspondence address at:	]	
R/O. 201, Shri Siddhanath CHS,	]	
138 Model Town, JP Road,	]	
Andheri West, Mumbai – 400 053.	]	
Mob. 9833701957	]	... Applicant

Versus

Deepali Ameya Mehar	]	
Aged: 44 years, Indian Citizen,	]	
Having Correspondence address at:	]	
101 – A, Raheja Plaza, L.B.S. Marg,	]	
Ghatkopar West, Mumbai – 400 086.	]	
Mob. 9833701657	]	...Respondent

Mr. Mohan Pillai, i/by Ms. Madhavi M. Pillai for the Applicant.

**CORAM : KAMAL KHATA, J.
RESERVED ON : 11th July, 2025.
PRONOUNCED ON : 22nd July, 2025.**

JUDGMENT:

1) By this Application, under Section 24 of the Code of Civil Procedure, 1908 the Applicant seeks transfer of restitution Petition No.975 of 2023 pending before the Principal Judge, Family Court, at Nagpur to Family Court at Bandra, Mumbai.

2) The Applicant is a permanent resident of Mumbai. The marriage between the Applicant and the Respondent-wife was solemnized on 18th January, 2013 at Krazy Castle, Aqua Park, Nagpur in accordance with Hindu Vedic rites, rituals and ceremonies.

The couple thereafter resided together at the matrimonial home along with Applicant's parents at Andheri, Mumbai.

3) Owing to marital discord, the Applicant filed a divorce Petition in the year 2021. The Respondent subsequently filed a restitution Petition bearing Petition No.A-975 of 2023 at Family Court, Nagpur.

4) The Respondent had earlier filed a Miscellaneous Civil Application (MCA) for transfer of proceedings before the Bombay High Court at its Nagpur Bench, which came to be rejected by an Order dated 22nd February, 2023.

5) Mr. Mohan Pillai, learned counsel for the Applicant, submits that despite service of the proceedings, the Respondent has failed to appear at the Family Court, Bandra. As a result of the Respondent's non-cooperation, the proceedings have remained pending for over four years. The Respondent has also failed to appear before the other forum where the Applicant's father was compelled to initiate proceedings against the Respondent.

6) Mr Pillai further points out that the Respondent had deliberately filed an MCA No.542 of 2021 at Nagpur while being employed and residing at Naupada, Thane.

7) He submits that the Applicant is presently unemployed and financially weak. On account of the Respondent's abusive conduct, the Applicant's father had filed a complaint before the

Senior Citizen Court at Bandra on 11th November, 2019. Despite three summonses-each acknowledged by the Respondent-she chose to remain unrepresented before that forum.

8) The learned counsel submits that the Respondent is a qualified software engineer working in the IT industry, with past employment at Hyderabad and Pune and is therefore capable of travelling to Mumbai without difficulty. Her professional profile suggests she is accustomed to travelling independently.

9) The learned counsel draws attention to paragraph No. 6(a) of the Application, which lists the Respondent's prior employers. He submits, on information and belief that the Respondent is currently employed with Mirum Ad Agency, earning an annual salary of Rs.13 Lakhs plus perquisites, and working at their office located at 101-A, Raheja Plaza, L.B.S Marg, Ghatkopar (West), Mumbai 400 086. He further relies on Exhibit 'C' annexed to the Application, being an additional Affidavit filed by the Respondent on 10th February, 2023, disclosing her salary and employment details.

10) Upon hearing the learned counsel and perusing the record, I pass the following Order.

11) At the outset, it is evident that although duly served, the Respondent has neither appeared nor arranged for representation before this Court. Notice was issued on 29th April, 2024 and the Respondent was expressly permitted to appear via Video

Conferencing from Nagpur in order to ensure fair opportunity.

12) By Order dated 23rd September, 2024, the parties were referred to mediation. However, on 17th June, 2025, the Respondent failed to appear. Therefore with a view to afford a fair opportunity the matter was listed on 4th July, 2025, then to 10th July, 2025 and then finally to 11th July, 2025 -each time with prior intimation. Despite these opportunities and repeated intimations the Respondent has failed to appear.

13) The learned Senior Counsel appointed as a Mediator has also filed his report dated 24th June, 2025 documenting the sessions attended by both parties and concluding that the dispute could not be resolved amicably.

14) Upon examining the earlier Order dated 22nd February, 2023 passed by the Nagpur Bench of this Court, it is clear that the Respondent's prior Application seeking transfer from Mumbai to Nagpur was rejected.

15) The Court had then noted that although the Respondent claimed she could not travel to Mumbai alone, the record established that she was a qualified software engineer capable of independent travel. It was thus held that her claim was unsubstantiated, and the transfer application was dismissed for lack of merit.

16) In view of the above, I deem it fit to allow the Application of transfer from Family Court at Nagpur to Family Court at Bandra,

Mumbai in terms of prayer clause (a) of this Application which reads as under:

“(a) The Restitution Petition vide no.975 of 2025 before the Honourable Principal Judge, Family Court at Nagpur be transferred to Honourable Family Court at Bandra, Mumbai.”

17) Miscellaneous Civil Application is allowed in the aforesaid terms.

(KAMAL KHATA, J.)