

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.247 OF 2024

Ashwini Sharad Mandale ...Applicant

vs.

Sharad Sukinath Mandale ...Respondent

Mr. Pratik Irpatgire, for the Applicant.

None for the Respondent.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 28, 2025

P.C:

1. Heard the learned counsel for the parties.
2. The office report indicates that the notice has been served on the respondent. None appears for the respondent.
3. This application is for transfer of Marriage Petition No. 23 of 2024 filed by the respondent-husband under section 10 of the Hindu Marriage Act, 1955 from the Court of Civil Judge Senior Division, Malegaon to the Family Court at Pune.
4. The marriage of the applicant was solemnized with respondent on 6th May, 2009. They were blessed with a son, who is now 13 years of age. In the wake of marital discord, the applicant is constrained to reside separately at Pune. The applicant has filed a report with the police. To give a counter blast, the respondent has filed a petition under section 10 of the Hindu Marriage Act, 1955 before the Court of Civil Judge Senior Division, Malegaon.

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5. The averments in the application have gone uncontroverted. Evidently, the applicant is residing at Pune along with her minor son. The distance between Pune and Malegaon is prohibitive. The applicant does not seem to have the financial and logistical support to effectively defend the proceeding at Malegaon. It is trite in the matter of transfer of matrimonial proceeding, ordinarily the convenience of wife commands preference. Therefore, the application deserves to be allowed.

Hence, the following order.

ORDER

- 1] Application stands allowed in terms of prayer clause (a).
- 2] Marriage Petition No. 23 of 2024 stands transferred from the Court of Civil Judge Senior Division, Malegaon to the Family Court at Pune for hearing and disposal in accordance with law.
- 3] The learned Judge, Malegaon shall transfer the record and proceedings in Marriage Petition No. 23 of 2024 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.)