



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.267 OF 2024**

Aarti Tushar Salunkhe @ Aarti
Suresh Shinde
versus
Tushar Sanjay Salunkhe

... Applicant
... Respondent

Ms. Meera Yadav, for Applicant.

CORAM: N.J.JAMADAR, J.

DATE : 2 MAY 2025

P.C.

1. Heard the learned Counsel for the Applicant.
2. This is an application for transfer of Marriage Petition No.57 of 2022 from the Court of District Judge, Panvel to the Court of District Judge, Kalyan.
3. The marriage of the applicant was solemnized with the Respondent on 19 October 2019 under the provisions of the Special Marriage Act, 1954. In the wake of the marital discord and the illtreatment allegedly meted out to the applicant, the applicant was constrained to lodge a report against the Respondent and his relatives leading to the prosecution for the offences punishable under Sections 498-A, 323, 324, 363 and 395 of the Indian Penal Code. The applicant has also filed proceedings under the Protection of Women from Domestic Violence Act, 2005 before the Court of the learned Magistrate at Ulhasnagar. To give a counter blast, the Respondent has filed a Petition for restitution of conjugal rights before the Court of District Judge at

Panvel. The applicant resides at Ambarnath and it would be extremely inconvenient to travel to Panvel to attend the proceeding at Panvel. Hence, this application.

4. Office report indicates that the Respondent has been duly served. None appears for the Respondent. The averments in the application have remained uncontroverted. It appears that the applicant is residing along with the minor son at Ambarnath, Dist. Thane. The applicant would find it extremely inconvenient and onerous to travel to Panvel to attend the proceeding before the Court of District Judge at Panvel. The applicant does not seem to have logistical and financial support to effectively defend the proceeding at Panvel. It is trite that in the matter of transfer of matrimonial proceeding, ordinarily, it is the convenience of the wife which commands preference. I am, therefore, inclined to allow the application.

5. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) Marriage Petition No.57 of 2022 stands transferred from the Court of learned District Judge, Panvel to the Court of District Judge, Kalyan for hearing and disposal in accordance with law.

(iii) The learned District Judge, Panvel shall transfer the record and proceedings in Marriage Petition No.57 of 2022 with such dispatch

that it reaches the Court of learned District Judge at Kalyan, within a period of four weeks from the date of communication of this order.

(iv) No costs.

(N.J.JAMADAR, J.)