

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 281 OF 2024

Shruti Mukesh Shinde

..Applicant

Versus

Mukesh Bhimsen Shinde

...Respondent

Mr. Ajit Alange, for the Applicant.

None for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 7th FEBRUARY 2025

P.C.:

- 1.** Heard learned Counsel for the Applicant.
- 2.** None appears for the Respondent on the second call as well.
- 3.** The Applicant wife has preferred this Application seeking transfer of Petition A No. 121 of 2024 from the Family Court at Pune to the Family Court at Solapur.
- 4.** The marriage of the Applicant and Respondent was solemnized on 24th February 2022 at Solapur. In the wake of the marital discord, the Applicant has lodged FIR vide CR No. 311 of 2024 at Sadar Bazar Police Station, Solapur. The Applicant has also instituted a Petition for dissolution of marriage, being Petition No. A-533 of 2023, before the Family Court, Solapur.

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5. The Respondent has, in turn, filed a Petition for restitution of conjugal rights under Section 9 of the Hindu Marriage Act 1955, being Petition No. A-121 of 2024, before the Family Court, Pune.

6. The Applicant asserts she is residing with her parents at Solapur. Though she is employed in Ion Exchange Company, situated at Mumbai, the Applicant works from home. The distance between Solapur and Pune is over 250 kms. The Applicant would suffer extreme inconvenience and hardship if the proceeding is tried before Family Court at Pune.

7. An Affidavit in Reply is filed on behalf of the Respondent resisting the prayer for transfer.

8. There is material to indicate that the Applicant is residing with her parents at Solapur. The proceedings instituted by the Applicant are sub judice before the courts at Solapur. The distance between Solapur and Pune is about 250 kms. The element of inconvenience tilts in favour of the Applicant. In addition, it would be expedient in the interest of justice that the Petitions for restitution of conjugal rights and for dissolution of marriage are decided by one and the same court.

9. I am, therefore, inclined to allow the Application. To address the concern of the Respondent, I am inclined to grant liberty to the Respondent to appear before the Family Court at Solapur through video conferencing.

10. Hence the following order:

ORDER

(i) The Miscellaneous Civil Application No. 281 of 2024 stands allowed.

(ii) The Marriage Petition A No. 121 of 2024 pending on the file of Family Court at Pune, stands transferred to the Family Court at Solapur, for hearing and disposal in accordance with law.

(iii) The learned Judge, Family Court, Pune, shall transfer the record and proceedings in Marriage Petition A No. 121 of 2024 with such dispatch that it reaches the Family Court at Solapur, within a period of four weeks from the date of communication of this order.

Application disposed.

[N. J. JAMADAR, J.]