

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 299 OF 2024

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Pramila Vicky Gavare

...Applicant

vs.

Vicky Vijay Gavare

...Respondent

Mr. Amol Suryawanshi, for the Applicant.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 28, 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 Hindu Marriage Petition No. 173 of 2024 from the Court of Ld. Civil Judge Senior Divison, Khed, Pune to the Court of Ld. Civil Judge Senior Divison, Panvel Dist- Raigad.
3. The marriage of the applicant was solemnized with the respondent on 29th June, 2020. They are blessed with a daughter. In the wake of marital discord, the applicant was constrained to take shelter at her parental home. The applicant has filed petition under the Protection of Women From Domestic Violence Act, 2005 being Misc. Application No. 1233 of 2023 before the Court at Panvel. It is asserted, to give a counter blast, the respondent has filed a petition for dissolution of marriage under section 13 (1)(ia) (ib) of Hindu Marriage Act, 1955 before the Ld. Civil Judge Senior Division,

Khed, Dist-Pune. The applicant would suffer inconvenience and hardship if the petition for dissolution of marriage is tried at Khed.

4. Notice has been duly served on the respondent. None appears for the respondent. The averments in the application remained uncontroverted.

5. Having regard to the socio economic condition of the applicant, it appears that the applicant would suffer extreme inconvenience and hardship if the marriage petition is tried before the Court at Khed. The applicant does not seem to have logistical and financial support to effectively defend the proceeding at Khed. It is trite in the matter of transfer of matrimonial proceedings, ordinarily it is the convenience of wife that commands preference. The application, therefore, deserves to be allowed.

Hence, the following order.

ORDER

1] Application stands allowed.

2] Marriage Petition No. 173 of 2024 stands transferred from the Court of Ld. Civil Judge Senior Division, Khed, Pune to the Court of Ld. Civil Judge Senior Division, Panvel Dist- Raigad for hearing and disposal in accordance with law.

3] The learned Judge, Khed shall transfer the record and

proceedings in Marriage Petition No. 173 of 2024 with such dispatch that it reaches the Court of Civil Judge Senior Division, Panvel within a period of four weeks from the date of communication of this order.

Application disposed.

(N. J. JAMADAR, J.)