

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.352 OF 2024

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Rasika Umesh Dhamdhere

...Applicant

vs.

Umesh Omkar Dhamdhere

...Respondent

Mr. Navnath Tambde, for the Applicant.

None for the Respondent.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 14, 2025

P.C:

1. Heard the learned counsel for the applicant.
2. None appeared for the respondent in the first session, though an affidavit in reply has been filed on behalf of the respondent. To facilitate the respondent to appear and canvass the submissions, the matter was kept in the second session. Despite second call, none appeared for the respondent.
3. This is an application for transfer of Marriage Petition No. 391 of 2023 from the Court of CJSD at Khed, Pune to the Court of CJSD at Thane.
4. The marriage of the applicant was solemnized with the respondent on 20th December, 2019 at Sawargaon, Tal. Junnar, Pune. In the wake of marital discord, the applicant was constrained to take shelter at her sister's place at CBD-Belapur. Though the respondent is working at Himedia Laboratories Pvt. Ltd., situated at

Thane, the applicant asserts, with a view to harass the applicant, the respondent has filed a petition for dissolution of marriage being Marriage Petition No. 391 of 2023 before the learned CJSD at Khed. Pune for the only reason that the marriage was solemnized within the local limits of the jurisdiction of the said Court. But neither the applicant nor the respondent reside within the limits of the said Court.

5. An affidavit in reply has been filed on behalf of the respondent opposing the prayer. Paragraph 10 of the affidavit in reply, reads as under:-

10] It is important to note that the respondent is residing and working at Thane, and transferring the case to Thane will impose significant inconvenience and hardship on the respondent. The respondent's work schedule at Himedia Laboratories Pvt. Ltd in Thane will be affected, causing undue strain on the respondent's personal and professional commitments. Additionally, the respondent has already taken the necessary steps by filing the divorce petition in Khed, Pune which is the appropriate jurisdiction. There is no valid reason to transfer the case to Thane, especially since the applicant's claims are based solely on her convenience rather than any legitimate hardship.

(emphasis supplied)

6. The aforesaid contentions in the affidavit in reply make it explicitly clear that the respondent is residing and working in Thane. The applicant resides at CBD-Belapur. In the backdrop of these incontrovertible facts, there is no substance in the resistance sought to be put forth on behalf of the respondent for transfer of petition from the CJSD, Khed, Pune to CJSD at Thane. Nay the said forum appears to be of convenience to both the applicant and the

respondent. Conversely, the continuation of the proceeding before the Court of CJSD, Khed would cause inconvenience to both the applicant and the respondent. In any event, the element of relative inconvenience tilts in favour of the applicant.

7. I am, therefore, inclined to allow the application.

Hence, the following order.

ORDER

1] Application stands allowed in terms of prayer clause (1).

2] Marriage Petition No. 391 of 2023 stands transferred from the Court of C.J.S.D., Khed, Pune to the Court of C.J.S.D. at Thane for hearing and disposal in accordance with law.

3] The learned Judge, C.J.S.D., Khed shall transfer the record and proceedings in Marriage Petition No. 391 of 2023 with such dispatch that it reaches the Court of Civil Judge Senior Division, Thane within a period of four weeks from the date of communication of this order.

Application disposed.

(N. J. JAMADAR, J.)