

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.358 OF 2024

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Madhuri Vinod Karanjakar
@ Madhuri Suresh Suryavanshi

...Applicant

vs.

Vinod Waman Karanjkar

...Respondent

Mr. Harshad Sathe a/w. Ms. Shagufa Patel i/b. Ms. Swati Khot, for
the Applicant.

Mr. Amol Jagtap, for the Respondent.

CORAM : N. J. JAMADAR, J.

DATE : JANUARY 17, 2025

P.C:

1. Heard the learned counsel for the parties.
2. This is an application under section 24 of the Code of Civil Procedure, 1908 for transfer of Petition No. A-384 of 2023 for annulment of marriage under section 11 read with section (5)(i) of the Hindu Marriage Act, 1955 pending on the file of Family Court at Pune to the Family Court at Thane.
3. The marriage of the applicant was solemnized with the petitioner on 15th October, 2021. The respondent has instituted the petition for annulment of marriage on the ground that the spouse of the applicant was alive on the date of her purported marriage with the respondent.
4. The applicant seeks transfer of the aforesaid petition on the ground that the applicant resides at Thane. She is dependent on

her parents. The applicant has no means to attend the proceeding at Family Court at Pune.

5. An affidavit in reply is filed on behalf of the respondent to resist the prayers in the application.

6. The learned counsel for the respondent submitted that it is virtually an admitted position that the spouse of the applicant was alive on the date on which the purported marriage between the applicant and the respondent was solemnized. The parents of the respondent are dependent on the respondent. It would be extremely inconvenient for the respondent to attend the proceeding at Family Court, Thane.

7. It appears that the applicant resides at Thane along with her parents. It does not appear that the applicant has any source of income. The pendency of the proceeding at the Family Court at Pune may cause extreme inconvenience and hardship to the applicant. The grounds, which ought to weigh with the Court, in the matter of transfer of the proceedings arising out of matrimonial matters, manifest in the instant case. It would, therefore, be expedient in the interest of justice that the proceeding be transferred from Family Court at Pune to the Family Court at Thane.

Hence, the following order.

ORDER

- 1] The application stands allowed in terms of prayer clause (a).
- 2] The petition No. A-384 of 2024 pending on the file of Family Court at Pune stands transferred to the Family Court at Thane.
- 3] The learned District Judge, Pune shall transfer the record and proceedings in A-384 of 2024 with such dispatch that it reaches the Family Court at Thane within a period of four weeks from the date of communication of this order.
- 4] The respondent is permitted to appear before the Family Court at Thane through video conferencing. However, whenever the learned Judge directs, the respondent shall appear in person before the Family Court at Thane, and no adjournment shall be sought on the ground of respondent's absence.

Application disposed.

(N. J. JAMADAR, J.)