

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 361 OF 2024**

Amruta Amol Patil

..Applicant

Versus

Amol Hindurao Patil

...Respondent

Mr. Sushil A. Inamdar, for the Applicant.

None, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 24th JANUARY 2025

P.C.:

1. Heard learned Counsel for the Applicant.
2. This is an Application for transfer of Marriage Petition bearing A-Petition No. 68 of 2024 pending on the file of learned CJSD, Kolhapur to the Family Court at Pune.
3. The Applicant is the wife of the Respondent. Their marriage was solemnized on 30th March 2015. In the wake of the marital discord the Applicant started to reside at Pune.
4. The Applicant has filed a proceeding under Protection of Women under Domestic Violence Act 2005, being Criminal Application No. 304 of 2024 before the Court of learned JMFC, Pune. The Respondent, on his part,

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has filed a Petition for dissolution of marriage under Section 13 (1)(i-a)) of the Hindu Marriage Act 1955, before the Civil Court at Kolhapur.

5. The Applicant is working at Pune. It would be extremely inconvenient for the Applicant to attend the proceedings at Kolhapur.

6. The Respondent has entered appearance through Advocate, Mr. M.M. Parghane. None appeared on behalf of the Respondent on the previous date, i.e., 17th January 2025. On that day, it was made clear that if none appeared for the Respondent, the Court would be constrained to hear and finally decide the Application. Today also none appears for the Respondent.

7. The Applicant is said to be working at Pune. The Applicant has instituted a proceeding under Protection of Women from Domestic Violence Act before the Court at Pune. The continuation of the proceedings in Petition No. A-Petition No. 68 of 2024 before the Civil Court at Kolhapur has the potentiality to cause extreme inconvenience and hardship to the Applicant.

8. The principles which governs the exercise of power under Section 24 of the Code, especially in the matters arising out of matrimonial proceedings, were expounded by the Supreme Court in the case of **N.C.V. Aishwarya Vs A.S. Saravana Karthik Sha**¹ in the following terms.

“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other

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proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

9. All the relevant factors, expounded above, are manifest in the instant case. In these circumstances, it would be expedient in the interest of justice to transfer A-Petition No. 68 of 2024 pending on the file of CJSD, Kolhapur to the Family Court at Pune.

Hence following order:

ORDER

(i) Application stands allowed in terms of prayer clause (a).

(ii) The Marriage Petition bearing A-Petition No. 68 of 2024 stands transferred from the file of learned Civil Judge, Senior Division, Kolhapur to the Family Court at Pune for hearing and disposal in accordance with law.

(iii) The learned Civil Judge, Kolhapur shall transfer the record and proceedings in Marriage Petition bearing A-Petition No. 68 of 2024 with such dispatch that it reaches the Family Court at Pune within a period of four weeks from the date of communication of this order.

Application disposed.

[N. J. JAMADAR, J.]