

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 379 OF 2024

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Aishwarya Akshay Shinde Nee Aishwarya ...Applicant
Dattu Tryambake

Versus

Akshay Anand Shinde ...Respondent

Mr. Chinmay Patil, for the Applicant.

CORAM: N. J. JAMADAR, J.
DATED: 10th JANUARY, 2025

PC:-

1. Heard the learned Counsel for the applicant.
2. The applicant – wife seeks transfer of Hindu Marriage Petition, being Petition No.A/1716/2022, pending on the file of the Family Court at Bandra to the Family Court at Pune.
3. The marriage of the applicant was solemnized with the respondent on 19th April, 2019. In the wake of marital discord, proceedings have been instituted. The respondent has instituted a petition for dissolution of marriage in the Family Court at Bandra. The applicant has lodged a report, being FIR No.336 of 2022 with Wanwadi Police Station, Pune, for the offences punishable under Sections 498A, 504 and

506 read with Section 34 of the Indian Penal Code, 1860 (“the Penal Code”), which has culminated into RCC No.46 of 2023. The applicant has also filed a proceeding under the Protection of Women from Domestic Violence Act, 2005 before the JMFC, Cantonment Court, Pune, being Cri. M.A. No.700 of 2022.

4. In the application, it is averred that the applicant is unemployed and dependent on her parents, who are residing at Pune. The continuation of the proceedings at Family Court, Bandra, causes extreme inconvenience and hardship to the applicant.

5. The respondent has been served and affidavit of service has been filed. The respondent chose not to appear despite service of notice. The averments in the application remained uncontroverted.

6. In the circumstances of the case, the applicant – wife would suffer prejudice if the proceedings in Petition No.A/1716/2022 are tried at Family Court, Bandra. It would, therefore, be expedient in the interest of justice to transfer the proceeding in Petition No.A/1716/2022 from the Family Court, Bandra to the Family Court at Pune.

7. Hence, the following order:

: O R D E R :

- (i) The application stands allowed in terms of prayer clause (c).
- (ii) Petition No.A/1716/2022 pending on the file of the learned Judge, Family Court, Bandra stands transferred to the Family Court at Pune, for hearing and disposal in accordance with law.
- (iii) The learned Judge, Family Court at Bandra shall transfer the record and proceedings in Petition No.A/1716/2022 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.
- (iv) Application stands disposed.

No costs.

[N. J. JAMADAR, J.]