

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.386 OF 2024

Minakshi Akshay Bhat ...Applicant
vs.
Akshay Rangrao Bhat ...Respondent
Mr. Utkarsh Desai, for the Applicant.

CORAM : N. J. JAMADAR, J.
DATE : FEBRUARY 7, 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 Marriage Petition No. A-1863 of 2023 from the Family Court at Pune to the Court of learned Civil Judge Senior Division, Kolhapur.
3. Notices were issued to the respondent. An affidavit of service has been filed. Despite intimation, the respondent has not accepted the service of notice sent by speed post.
4. The marriage of the applicant was solemnized with the respondent on 12th October, 2022 at Pune.
5. In the wake of marital discord, the applicant has been constrained to take shelter at her parental home at Farakate Wadi, Tal. Kagal, Dist. Kolhapur. The applicant has filed a proceeding under the Protection of Women from Domestic Violence Act, 2005,

being Cri. Application No. 5 of 2024, before the learned JMFC, Kagal, Dist. Kolhapur. The respondent on his part has filed petition for restitution of conjugal rights under section 22 of the Special Marriage Act, 1954 before the Family Court at Pune.

6. This application is preferred with the assertions that it would be extremely inconvenient for the applicant to attend the proceeding at Family Court at Pune. She is dependent on her parents. She has no means to effectively defend the proceeding before the Family Court at Pune.

7. The learned counsel for the applicant invited attention of the Court to the cause title of the petition to the restitution of conjugal rights. The respondent/ petitioner therein is shown to be residing at Kumbhar Wada, Borwade, Tal. Kagal, Dist.Kolhapur. It appears that since the marriage was solemnized at Pune, the respondent has invoked the jurisdiction of the Family Court at Pune.

8. Evidently, both the applicant and the respondent are residing within the local limits of the jurisdiction of the Civil Judge Senior Division at Kolhapur. The distance between Kagal and Pune is prohibitive. The applicant would suffer extreme inconvenience and hardship if the marriage petition is tried at Family Court at Pune. The application, therefore, deserves to be allowed.

Hence, the following order.

ORDER

- 1] Application stands allowed in terms of prayer clause (b).
- 2] Marriage Petition No. A-1863 of 2023 stands transferred from the Family Court at Pune to the Court of Civil Judge Senior Division, Kolhapur for hearing and disposal in accordance with law.
- 3] The learned Judge, Family Court, Pune shall transfer the record and proceedings in Marriage Petition No. A-1863 of 2023 with such dispatch that it reaches the Court of Civil Judge Senior Division, Kolhapur within a period of four weeks from the date of communication of this order.

(N. J. JAMADAR, J.)