

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 392 OF 2024

Vaishali Gorakh Rajbhoj ...Applicant

vs.

Gorakh Kalu Rajbhoj ...Respondent

Mr. Vinay Taliwal, for the Applicant.

Mr. Rajat Dighe, for Respondent.

CORAM : N. J. JAMADAR, J.

DATE : JANUARY 17, 2025

P.C:

1. Heard the learned counsel for the applicant.
2. Leave to amend.
3. Amendment be carried out within a period of one week.
4. Re-verification dispensed with.
5. This is an application for transfer of the Marriage Petition No. 934 of 2022 from the file of learned Joint Civil Judge, Senior Division, Kalyan to the Court of Civil Judge, Senior Division at Nashik.
6. The learned counsel for the applicant submitted that the applicant and her daughter are residing with the applicant's father at Nashik. It will be inconvenient for the applicant to attend the proceeding at Kalyan. The applicant does not have any source of income.

7. The learned Counsel for the respondent opposed the prayer for transfer. It was submitted that an application for interim maintenance awaits adjudication in Petition No.934 of 2022 pending on the file of Civil Judge, Senior Division, Kalyan. The applicant can be awarded expenses of transfer from Nashik to Kalyan. Therefore, the application does not merit countenance.

8. Evidently, the applicant has filed a proceeding under the Protection of Women from Domestic Violation Act, 2005 before the Court of JMFC at Nashik. The applicant is residing with her parents. It is her claim that she has no independent source of income. *Prima facie* there is no material to controvert the same. Moreover, a proceeding under the Protection of Women from Domestic Violence Act filed by the applicant is subjudice before the Court of Magistrate at Nashik.

9. In the aforesaid view of the matter and having regard to the distance between the parental home of the applicant and Kalyan, it would be expedient in the interest of justice to transfer the proceedings from the file of the learned Joint Civil Judge, Senior Division, Kalyan to the Court of Civil Judge, Senior Division, Nashik.

Hence, the following order.

ORDER

1] The application stands allowed in terms of prayer clause (b).

2] The Marriage Petition No. 934 of 2022 stands transferred from the file of learned Joint Civil Judge, Senior Division, Kalyan to the Court of Civil Judge, Senior Division at Nashik.

3] The proceeding shall, however, be transferred only after the order is passed on application for interim maintenance in the said petition by the Court at Kalyan.

4] The learned Civil Judge, Senior Division, Kalyan shall transfer the record and proceedings in Marriage Petition No. 934 of 2022 with such dispatch that it reaches the Court of Civil Judge, Senior Division, Nashik within a period of four weeks from the date of passing of order on interim application.

Application disposed.

(N. J. JAMADAR, J.)