

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO. 401 OF 2024

Gayatri Sahil Atole @ Gayatri Satish Nale ...Applicant

Versus

Sahil Sandeep Atole ...Respondent

Ms. Disha Chaurasia, for the Applicant.

Mr. Swaraj Savant, i/b Sujay Gangal, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 9th MAY, 2025

PC:-

1. Heard the learned Counsel for the parties.
2. Leave to amend so as to correct the designation of the Court to which the marriage petition is sought to be transferred.

Leave granted.

3. Necessary amendment be carried out forthwith.
4. Reverification dispensed with.
5. This is an application for transfer of Matrimonial Petition No.31 of 2024 from the Court of Civil Judge, Senior Division, Baramati to the Court of Civil Judge, Senior Division at Vasai.

6. The marriage of the applicant was solemnized with the respondent on 22nd May, 2022. In the wake of the marital discord, the applicant was constrained to reside at her parental home at Vasai. The applicant has filed a proceeding under the Protection of Woman from Domestic Violence Act, 2005, being DV Application No.52/2023, before the Court of Magistrate at Vasai.

7. The applicant avers, with a view to give a counter-blast, the respondent has filed a petition for annulment of marriage under Section 12 of Hindu Marriage Act, 1955, before the Court of Civil Judge, Baramati. The distance between Vasai and Baramati is more than 300 kms. The applicant finds it extremely inconvenient to attend the proceeding at Baramati. Hence, this application.

8. The respondent resisted the application by filing an affidavit-in-reply.

9. The learned Counsel for the respondent submitted that the respondent fears for his safety if he visits the Court at Vasai as the applicant and her associates have threatened the respondent. Therefore, the proceeding may not be transferred to the Court at Vasai.

10. Evidently, the applicant had filed the DV proceeding much prior in point of time. The respondent has filed petition for annulment of marriage before the Court at Baramati. The distance between Vasai and Baramati is more than 300 kms. The applicant does not seem to have the financial and logistical support to effectively defend the proceeding at Baramati. It is trite that in the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands precedence.

11. In the case at hand, the elements of inconvenience and hardship tilt in favour of the applicant. The inconvenience likely to be caused to the respondent can be taken care of by granting liberty to the respondent to appear before the Court of Civil Judge, Senior Division at Vasai through Video Conferencing. I am, therefore, inclined to allow the application.

12. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) Matrimonial Petition No.31 of 2024, pending on the file of Civil Judge, Senior Division at Baramati, stands transferred to the Court of Civil Judge, Senior Division

at Vasai, for hearing and disposal in accordance with law.

- (iii) The learned Civil Judge, Senior Division, Baramati, shall transfer the record and proceedings in Matrimonial Petition No.31 of 2024 with such dispatch that it reaches the Court of Civil Judge, Senior Division at Vasai, within a period of four weeks from the date of communication of this order.
- (iv) The respondent is at liberty to appear before the Court of Civil Judge, Senior Division at Vasai through Video Conferencing. However, whenever the learned Judge considers it appropriate and directs the respondent to appear in-person, the respondent shall appear before the Court.
- (v) Application stands disposed.
No costs.

[N. J. JAMADAR, J.]