

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 411 OF 2024

Mrs. Prachi Apurv Bhatawdekar Alias, Prachi Bhawsar ...Applicant

Versus

Mr. Apurv Ramesh Bhatawdekar ...Respondent

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Mr. Shashank Shubham i/b Mr. Yogen Kakade for the Applicant.
Mr. Rohan Surve i/b Mr. Yogesh Dandekar for Respondent.

CORAM : M.M. SATHAYE, J.

DATE : 17th OCTOBER, 2025

P.C. :

1. Heard learned Counsel for the parties.
2. This is an application by Petitioner-wife against Respondent-husband, seeking transfer of Marriage Petition No. A-207 of 2024 from Family Court at Thane to Pune. The same is filed by Respondent-husband for dissolution of marriage.
3. Learned advocate for the Petitioner-wife submits that she is residing in Pune, working with SNTD, Women University. She has relied upon the appointment letter dated 09.11.2024 and 12.09.2025 from the said institute, indicating that she is appointed as a clerk on temporary basis. She has also placed on record a fee-receipt indicating that the Petitioner is pursuing MBA course with the same institute. The documents are taken on record and marked 'X' for identification. The ground pleaded is that it is inconvenient for her to work and stay in

Pune and attend the matrimonial proceedings in Thane.

4. On the other hand, learned advocate for the Respondent-husband submitted that the Petitioner has, at her disposal, his flat standing in joint name at Pune and the documents in the name of the Petitioner such as Aadhar Card and Passport indicate her address at Panvel. It is contended that Petitioner's parents are at Panvel. The copies of Aadhar Card and Passport of the Petitioner are produced on record.

5. I have considered the submissions. Admittedly, the marriage petition is filed under provision of Section 27(1)(d) of the Special Marriage Act, 1954. Section 31(1)(ii) of the said Act indicates that jurisdiction for proceedings under the said Act can lie before the District Court within local limits of whose original jurisdiction, the respondent in a case (in the present case, present Petitioner-wife) resides at the time of the presentation of the petition. The passport as well as Aadhar card of the Petitioner-wife indicates address at Panvel, New Mumbai. Even the appointment letter relied upon by the Petitioner indicates that it was addressed to her at her address at Panvel. Admittedly Petitioner-wife's parents are residing at Panvel.

6. In that view of the matter, the Court of Civil Judge, Senior Division, at Panvel will have inherent jurisdiction to hear and decide the dispute. By transferring the marriage petition to the Court at Panvel, the Petitioner will not be required to travel till Thane and apparently, the distance of travel from Pune will be reduced. Also it will not be a case where only Respondent-husband will participate in proceedings from his comfortable position at Thane, which has material bearing of the aspect of balancing hardships between the parties.

7. Learned advocate for the Respondent-husband states, on instructions, that he is ready to bear the travel and food expenses when the Petitioner-wife will be required to travel to Panvel for attending the marriage petition. Statement accepted.

8. Considering the aforesaid facts and circumstances, in my view, following order will meet the ends of justice :

(A) The Marriage Petition No. A-207 of 2024 filed by Respondent-husband is transferred from Family Court at Thane to Court of Civil Judge, Senior Division, Panvel for decision in accordance with law. The Judge in charge of the Panvel Court will be at liberty to assign it to appropriate Court. Papers and proceedings be sent accordingly.

(B) The Respondent-husband shall pay the Petitioner-wife's travel and food expenses, when she is required to travel to Panvel for attending the date/s of the marriage petition.

(C) It is clarified that if the Petitioner or the Respondent are not in a position to attend a particular date in Panvel Court for any reason, they shall inform the same to other side, reasonably in advance, preferably 2 days in advance.

(D) The parties will be at liberty to attend a particular date through Video Conferencing, subject to such

permission being granted by the concerned Court at Panvel.

9. Misc. Civil Application **is disposed of** in above terms.
10. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)