

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 430 OF 2024**

Divyani Atul Dalal	..Applicant
Versus	
Atul Dalal	...Respondent

Mr. Vaibhav Ugle, with Vikas Somawanchi & Sachin Dengle, for the Applicant.
None for the Respondent.

**CORAM: N. J. JAMADAR, J.
DATED : 21st FEBRUARY 2025**

P.C.:

1. Heard the learned Counsel for the applicant.
2. Office reports indicate that the notice of the Application has been duly served on the respondent. None present for the respondent.
3. The applicant-wife has preferred this application seeking transfer of Marriage Petition No. A/351 of 2024, filed by the respondent – husband, from the Family Court at Nagpur to the Family Court at Thane.
4. The marriage of the applicant-wife was solemnized with the respondent on 24th December 2021 at Nagpur. The parties have no issue of the wedlock.

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5. In the wake of marital discord, the applicant has been constrained to reside at Thane along with her parents. The applicant has lodged a report against the respondent and his relative leading to their prosecution for the offences punishable under Section 498A and 504 read with Section 34 of the Indian Penal Code 1860. The applicant has also filed a proceeding under Protection of Women from Domestic Violence Act 2005 (“DV Act”), being Criminal MA No. 136 of 2024 and a Petition for dissolution of marriage being Petition No. A/232 of 2024 before the Courts at Thane.

6. The Applicant asserts though the respondent resides at Mumbai, with a view to harass the applicant, the respondent has instituted the Petition for dissolution of marriage before the Family Court at Nagpur. Hence this Application.

7. Mr. Ugle, learned Counsel for the Applicant, invited the attention of the Court to the copy of the acknowledgment evidencing the service of the notice issued by the applicant to the respondent on 29th February 2024, at Mumbai. The notice of the instant application also seems to have been served on the respondent at Mumbai.

8. In any event three other proceedings instituted by the applicant are sub judice before the Courts at Thane. The distance between Thane and Nagpur is prohibitive. It would be therefore expedient in the interest of justice to transfer the marriage petition from the Court of

Family Court at Nagpur to the Family Court at Thane. Since the applicant has also filed a Petition for dissolution of marriage, the cause of justice would be advanced if the rival Petitions for divorce are heard and decided by one and the same Court.

9. I am, therefore, inclined to allow the application.

10. Hence, the following order:

: O R D E R :

(i) The application stands allowed in terms of prayer clause (a).

(ii) The Marriage Petition No. A/351 of 2024 pending on the file of Family Court at Nagpur, stands transferred to the Family Court at Thane, for hearing and disposal in accordance with law.

(iii) The learned Judge, Family Court, Nagpur, shall transfer the record and proceedings in Marriage Petition No. A/351 of 2024 with such dispatch that it reaches the Family Court, Thane, within a period of four weeks from the date of communication of this order.

Application disposed.

[N. J. JAMADAR, J.]