

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.464 OF 2024

Mrs. Rani Sachin Garg
Aged-32 yrs., Occupation : Housewife
Residing with parents at Room no.5, Jai Singh cottage,
Aarey road, Near Pahadi School, Goregaon (East)
Mumbai -400063 ... Applicant
Versus
Mr. Sachin Rajendra Garg & others.
Aged-44 yrs., Occupation: Business.
R/O, 116/3, Garg Niwas, behind Sweet Treat Shop,
In front of Mount Vert, Sus Road, Pashan
- Pune, Maharashtra Respondent

Ms. Rita A. Rajani for the Applicant.

CORAM : N.J. JAMADAR, J.
DATE : 2 MAY 2025.

P.C. :

- 1.** Heard learned Counsel for the Applicant. None appears for the Respondent.
- 2.** An Affidavit of Service has been filed. The Notice issued to the Respondent seems to have been served on the Respondent by R.P.A.D.
- 3.** This Application is filed for seeking transfer of the marriage petition, being Petition No.A-906 of 2024, from the Family Court at Pune to the Family Court at Bandra, Mumbai and Misc. Cr. Application, being C.C. No.14/DV/2018 filed by the Applicant before the Court of Magistrate at Borivali,

Mumbai to the Family Court at Bandra, Mumbai.

4. The marriage of the Applicant was solemnized with the Respondent on 20 June 2011. They are blessed with a son, who is now 12 years of age. The son is in the custody of the Applicant.

5. In the wake of marital discord, the Applicant has been constrained to reside at Mumbai. The Applicant has instituted proceeding for relief under Protection of Women from Domestic Violence Act, being C.C. No.14/DV/2018 before the Court of Magistrate, Borivali, Mumbai. The Respondent has not paid the arrears of maintenance, which has accumulated to the tune of Rs.23 lakhs. It seems that, the Respondent has filed a petition for dissolution of marriage, being Petition No.A-906 of 2024, before the Family Court at Pune. The Applicant is not in a position to defend the said proceeding. Hence, this Application.

6. The averments in the Application have gone uncontroverted. It appears that orders have been passed against the Respondent to pay maintenance to the Applicant. The Respondent has not paid the maintenance and there are huge arrears. In such a situation, the Applicant who does not seem to have financial support, would not be in a position to effectively defend the proceeding before the Family Court at Pune. The Applicant would suffer extreme inconvenience and hardship if she is made to defend the marriage petition filed before the Family Court at Pune.

7. It is well recognised that in the matter of transfer of matrimonial proceeding, ordinarily, it is the convenience of the wife which commands preference and, therefore, I am inclined to allow the Application. Hence, the following order.

: O R D E R :

i) The application stands allowed in terms of prayer clauses (b) and (f).

ii) Marriage Petition No. A-906 of 2024 stands transferred from the Family Court at Pune to Family Court at Bandra, Mumbai and C.C. No.14/DV/2018, stands transferred from the Court of Magistrate at Borivali Mumbai to the Family Court at Bandra, Mumbai, for hearing and disposal in accordance with law.

iii) The learned Judge, Family Court at Pune, shall transfer the record and proceedings in Marriage Petition No. A-906 of 2024 with such dispatch that it reaches the Family Court at Bandra, Mumbai, within a period of four weeks from the date of communication of this order.

iv) The learned Magistrate at Borivali, Mumbai, shall transfer the record and proceedings in C.C. No.14/DV/2018 to the Family Court at Bandra,

Mumbai, with such dispatch that it reaches the Family Court at Bandra, Mumbai, within a period of four weeks from the date of communication of this order.

v) The Respondent is at liberty to appear before the Family Court at Bandra, Mumbai, through Video Conferencing. However, whenever the learned Judge, Family Court at Bandra, Mumbai, considers it appropriate and directs the Respondent to appear in person, the Respondent shall appear before the Family Court at Bandra, Mumbai.

vi) No costs.

(N.J. JAMADAR, J.)