

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.512 OF 2024

VISHAL
SUBHASH
PAREKAR

Sneha Avinash Solankar

...Applicant

vs.

Avinash Krishna Solankar

...Respondent

Digitally signed by
VISHAL SUBHASH
PAREKAR
Date: 2025.02.10
14:36:04 +0530

Mr. Amol Hunge a/w. Mr. Ganesh Mashal and Mr. Kishor Ajetroa, for
the Applicant.

Mr. Yogesh Birajdar, for the Respondent.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 7, 2025

P.C:

1. Heard the learned counsel for the applicant.
2. This is an application under section 24 of the Code of Civil Procedure, 1908 for transfer of Marriage Petition No. 1879 of 2022 from the Court of Civil Judge Senior Division, Pune to the Family Court at Solapur.
3. The marriage of the applicant was solemnized with the respondent at 27th December, 2020 at Solapur. In the wake of marital discord, the applicant was constrained to take shelter at her parental home. The applicant has lodged a report with Vijapur Naka police station, Solapur vide C.R. No. 391 of 2022 resulting in prosecution of the respondent and his relatives for the offences punishable under sections 498A and 506 read with 34 of Indian Penal Code, 1860 before the learned JMFC, Solapur, in RCC No. 673

of 2023. The applicant has also filed a proceeding under the Protection of Women From Domestic Violence Act, 2005 being DV No. 242 of 2022. The said proceeding is also subjudice before the learned JMFC, Solapur.

4. The respondent, on his part, has instituted a petition for dissolution of marriage under section 13(1)(i-a) of the Hindu Marriage Act, 1955 before the Civil Court at Pune. The applicant finds it extremely inconvenient to attend the proceeding at Pune. Since two other proceedings are pending before the Courts at Solapur and the applicant is residing at Solapur, the Marriage Petition be transferred to the Family Court at Solapur.

5. The learned counsel for the respondent resisted the application. It was submitted that the applicant has participated in the proceeding before the Court at Pune till the application for interim maintenance was decided. However, when the matter came to be posted for cross-examination of the respondent, the applicant has sought repeated adjournments and, thereafter, filed this application.

6. Evidently, the applicant is residing at Solapur. Two proceedings instituted by the applicant are pending before the Court at Solapur. The distance between Solapur and Pune is 250 km. It would be extremely difficult for the applicant to attend the

proceeding at Pune.

7. The principles which govern the exercise of power under Section 24 of the Code, especially in the matters arising out of matrimonial proceedings, were expounded by the Supreme Court in the case of **N.C.V. Aishwarya Vs A.S. Saravana Karthik Sha**¹ in the following terms:

“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio- economic paradigm in the Indian society, generally, it is the wife’s convenience which must be looked at while considering transfer.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

8. As the factors which ought to weigh with the Court for transfer of the matrimonial proceedings are manifest in the instant case as well, I am inclined to allow the application.

Hence, the following order.

ORDER

1] Application stands allowed.

1 2022 LiveLaw (SC) 627

2] Marriage Petition No. 1879 of 2022 stands transferred from the Court of Civil Judge Senior Division, Pune to the Family Court at Solapur for hearing and disposal in accordance with law.

3] The learned Civil Judge, Pune shall transfer the record and proceedings in Marriage Petition No. 1879 of 2022 with such dispatch that it reaches the Family Court at Solapur within a period of four weeks from the date of communication of this order.

4] The Courts at Solapur are requested to post all the proceedings on one day, as far as possible.

(N. J. JAMADAR, J.)