

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

MISC. CIVIL APPLICATION NO. 514 OF 2024

SANTOSH
SUBHASH
KULKARNI

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SANTOSH SUBHASH
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Date: 2025.03.25
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Sou. Disha Akshay Ingole @ Disha Jyotiram
Sawant

...Applicant

Versus

Akshay Mohan Ingole

...Respondent

Ms. Samruddhi Girish Kulkarni, i/b Ajit Savagave, for the
Applicant.

Mr. Onkar Wable, i/b Milind Deshmukh, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 21st MARCH, 2025

PC:-

1. Heard the learned Counsel for the parties.
2. This is an application for transfer of Marriage Petition No.228 of 2024 from the Court of Civil Judge, Senior Division, Pandharpur, to the Court of Civil Judge, Senior Division, Panvel.
3. The marriage of the applicant was allegedly forcibly solemnized with the respondent on 27th May, 2024. The applicant has filed a petition for annulment of Marriage, being Petition No.3230 of 2024, before the Court of Civil Judge, Senior Division, Panvel. The respondent, in turn, has filed Marriage Petition No.228 of 2024 for restitution of

conjugal rights under Section 9 of the Hindu Marriage Act, 1955. The applicant asserts, the distance between Panvel and Pandharpur is more than 400 kms. The applicant has no means to defend the proceedings at Pandharpur.

4. An affidavit-in-reply has been filed on behalf of the respondent.

5. The learned Counsel for the respondent submitted that the respondent has to take care of his old and unwell parents. The respondent runs a business at Pandharpur and the respondent would suffer extreme inconvenience if the proceedings are transferred to the Court at Panvel.

6. From the perusal of the material on record, it appears that the applicant is young lady of 21 years and stated to be pursuing education. The applicant has filed a petition for annulment of the marriage and the respondent has filed petition for restitution of conjugal rights. It would be expedient in the interest of justice that both the petitions are heard and decided by the same Court. The distance between the Panvel and Pandharpur is about 400 kms. The applicant does not seem to have the financial and logistical support to effectively defend the proceeding at Pandharpur. The

applicant would suffer extreme inconvenience and hardship if the proceedings are tried at Pandharpur.

7. It is trite that in the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands precedence. The respondent can be granted liberty to appear before the Court at Panvel through Video Conferencing. I am, therefore, inclined to allow the application.

8. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) HMP/228/2024 pending on the file of Civil Judge, Senior Division, Pandharpur, stands transferred to the Court of Civil Judge, Senior Division, Panvel, for hearing and disposal in accordance with law.
- (iii) The learned Civil Judge, Senior Division at Pandharpur, shall transfer the record and proceedings in HMP/228/2024 with such dispatch that it reaches the Court of Civil Judge, Senior Division at Panvel, 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, Panvel, through Video Conferencing. However, whenever the learned Civil Judge considers it appropriate and direct the respondent to appear in-person, the respondent shall appear before the Court.
- (v) Application stands disposed.
No costs.

[N. J. JAMADAR, J.]