

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 577 OF 2024

Samesh Shankar Sawant ...Applicant
Versus
Sanchita Samesh Sawant ...Respondent

Ms. Nirmala Bhosale, for the Applicant.
Mr. Pradyumna Sharma, a/w Randhirkumar Mandal,
Sandeep Pawar, Bhavika Hodar, Vinod Gupta and
Ayaan Mirza, for the Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 7th MARCH, 2025

ORDER:-

1. Heard the learned Counsel for the parties.
2. This is an application for transfer of Marriage Petition No.A-625 of 2024 from the Family Court at Nagpur to the Family Court at CBD, Belapur.
3. The marriage of the applicant was solemnized with the respondent on 18th July, 2021 at Navi Mumbai. The respondent is working as a Professor at Yerla Homeopathy Medical College at Kharghar. Over a period of time, marital disputes arose between the applicant the respondent. The latter lodged a report being FIR No.0469/2023 against the applicant and his relatives for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the

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Indian Penal Code, 1860 at Nehru Nagar Police Station, Kurla, Mumbai. The respondent has also filed a petition for dissolution of marriage being Marriage Petition No.A-625 of 2024 before the Family Court at Nagpur.

4. The applicant – husband has, thus, filed this application seeking transfer of the said Marriage Petition No.A-625/2024 from the Family Court at Nagpur asserting, *inter alia*, that both the applicant and respondent are residing in Mumbai. The respondent is employed as a Professor at a College in Kharghar, Navi Mumbai. The respondent has instituted the petition for dissolution of marriage before the Family Court at Nagpur to harass the applicant.

5. The respondent resisted the application by filing an affidavit-in-reply. All adverse allegations in the application are denied. Though it is not disputed that respondent is working at Kharghar, it was contended that there is a serious threat to the life and safety of the respondent. The applicant and his relatives had subjected the respondent to extreme cruelty and inhuman treatment was meted out to her. Therefore, if the proceedings are transferred to the Family Court at CBD Belapur, it would be difficult for the respondent

to effectively defend the said proceeding. There would be nobody to morally and emotionally support and physically protect the respondent.

6. Mr. Sharma, the learned Counsel for the respondent, opposed the prayer for transfer by canvassing a submission that the job of the respondent at the Medical College at Kharghar is not permanent. Moreover, there is a grave threat perception. The respondent had lodged the FIR at Nehru Nagar Police Station, Kurla, while she was temporarily residing at Mumbai. Therefore, the said factor cannot be a ground to transfer the proceeding from Nagpur to CBD Belapur.

7. I am unable to persuade myself to agree with the submissions of Mr. Sharma. It is true, in the matter of the transfer of the matrimonial proceedings, ordinarily, it is the convenience of the wife which commands precedence. Generally, at the instance of the wife the proceedings are transferred to a Court which suits her convenience primarily having regard to the socio-economic conditions which the women usually face. However, in the case at hand, incontrovertibly both the applicant and respondent are residing in Mumbai and Navi Mumbai, respectively. The

respondent is a working professional. She is employed as a Professor in a Medical College at Kharghar.

8. It *prima facie* appears the trial of the matrimonial petition at Nagpur would cause inconvenience to both the applicant and respondent. Both would be required to travel to Nagpur, which is at a distance more than 700 kms. from Mumbai/Navi Mumbai. The distance is simply prohibitive. In the facts of the case, the transfer of the proceeding to the Family Court at CBD Belapur, Navi Mumbai, would equally suit the convenience of the respondent.

9. This Court is sensitive to the submission on behalf of the respondent that there is a threat perception. However, the said aspect cannot be conclusively determined in this application. Suffice to note that the respondent would have her remedies in case there is any threat to her safety.

10. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) Marriage Petition No.A-625 of 2024 pending on the file of Family Court at Nagpur, stands transferred to the Family Court at CBD Belapur, Navi Mumbai, 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-625/2024 with such dispatch that it reaches the Family Court at CBD Belapur, Navi Mumbai, within a period of four weeks from the date of communication of this order.
 - (iv) The applicant shall not give any threat or coerce to the respondent or coerce her to agree to the resolution of the dispute in a particular manner.
 - (v) Application stands disposed.
- No costs.

[N. J. JAMADAR, J.]