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

MISCELLANEOUS CIVIL APPLICATION NO.99 OF 2025

Kirti Amit Patil ... Applicant
v/s.
Amit Pandurang Patil ... Respondent

Ms. Sangeeta Shankar Salvi with Jenny Somaiya for the
Applicant.
None for the Respondent.

CORAM : Kamal Khata, J.
DATED : 11th July 2025.

P.C.:-

1. This is an application seeking transfer of Marriage Petition No. 15 of 2025 from the Civil Court, Senior Division, Gadhinglaj, Kolhapur to the Family Court, Bandra, Mumbai.
2. Despite service, none appears for the Respondent.
3. The marriage between the Applicant and the Respondent was solemnized on 27th November 2022 at village Narewadi, Taluka Gadhinglaj, District Kolhapur, in accordance with Hindu rites and rituals. A daughter was born from the said wedlock. Due to marital disputes and differences that arose around February 2023, the parties have been residing separately since then.

4. The learned counsel for the Applicant submits that both the parties are currently residing at Mumbai.

5. The Applicant has initiated proceedings under the Protection of Women from Domestic Violence Act, 2005, bearing Case No. DV/123/2024 before the Metropolitan Magistrate Court at Bhoiwada, Mumbai. The matter was referred for mediation, which was unsuccessful.

6. Meanwhile, the Respondent-husband has filed Marriage Petition No. 15 of 2025 under Section 9 of the Hindu Marriage Act, 1955 before the Civil Court, Senior Division, Gadhinglaj, Kolhapur.

7. It is noted that the Respondent is employed as a clerk at the City Civil Court, Mazgaon, Mumbai. The wife too is residing at Mumbai. Therefore, the reason for instituting the Marriage Petition at Gadhinglaj is not apparent.

8. Advocate for the Applicant contends that the distance between Mumbai and Gadhinglaj, Kolhapur is approximately 500 kilometers, requiring around 10 to 12 hours of travel time. Although train connectivity exists, it is extremely inconvenient and difficult for the Applicant to undertake such a journey, especially with a minor child. The Applicant

therefore seeks transfer of the case to the Family Court, Bandra, Mumbai.

9. Having heard the submissions of the learned Advocate for the Applicant and upon perusal of the material on record, I am satisfied with the reasoning provided. Reliance is placed on the judgment of the Hon'ble Supreme Court in *N. C. V. Aishwarya v. A. S. Saravana Karthik Sha*, where it was held that the convenience of the wife must be given due consideration while deciding transfer applications.

10. In view of the above, I find it appropriate to allow the present application in terms of prayer clauses (a) and (b) which read as under:-

“(a) That this Hon'ble Court be pleased to call for record and proceedings of Marriage Petition No.15 of 2025 from the Ld. Civil Court Senior Division, Gadhinglaj, Kolhapur and after perusal and examination thereof;

(b) This Hon'ble Court be pleased to transfer the Marriage Petition No.15 of 2025 from the Court of Ld. Civil Court Senior Division, Gadhinglaj, Kolhapur to the Court of Hon'ble Family Court, Bandra, Mumbai.”

11. The Application accordingly stands allowed and disposed of.

12. The Respondent is permitted to apply to the concerned Court to appear via Video Conferencing, should he be unable to remain personally present. Any such application made shall be considered by the Court on its own merits.

(Kamal Khata, J.)