

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS APPLICATION NO.120 OF 2025

Dhanshree Sagar Dighe Alias Dhanshree Kailas Walke ...Applicant

Versus

Sagar Nandkumar Dighe ...Respondents

Mr. Piyush Uday Raje for the Applicant.

CORAM Kamal Khata, J.
DATED: 20th June 2025.

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PC:-

1. By this application under Section 24 of the Code of Civil Procedure, 1908, the Petitioner seeks transfer of Hindu Marriage Petition No.445 of 2024, filed under Section 9 of the Hindu Marriage Act, 1955, pending before the Civil Judge Senior Division, Niphad to the Family Court, Nashik where the learned Advocate for the Applicant has filed Petition A No.748 of 2024 for divorce under Section 13 A (ia) and (ib) and Criminal Application-E No.215 of 2024 for Maintenance under Section 125 of the Code of Criminal Procedure,1973.

2. Learned Advocate for the Applicant submits that the marriage was solomonized on 20th May, 2023 at Shriram Vedic Vivah, Kalaram Mandir, Panchvati, Nashik as per

Hindu Vedic Rituals. Despite marriage, the Respondent was unwilling to live with the Applicant as the marriage was suppressed from her parents. According to the Applicant, there were dowry demands as stated in paragraph 2(e) of the application.

3. In these circumstances, on 11th October, 2024 the Applicant filed Petition A No.748 of 2024 for divorce under Section 13-A (ia) and (ib) of the Hindu Marriage Act, 1955 as well as Criminal Application-E No.215 of 2024 for maintenance under Section 125 of the Code of Criminal Procedure,1972.

4. It is submitted that the matters are pending before the Family Court, Nashik and the next date of hearing is 28th August, 2025.

5. When the Applicant came to the village in order to meet her ailing uncle, at that time the Applicant was served with the summons in the Hindu Marriage Petition No.445 of 2024 filed before the Civil Judge Senior Division Niphad, at Nashik where the Respondent claimed for restitution of conjugal rights. The Applicant appeared before the Civil Judge Senior

Division, Nashik on 2nd January, 2025. The next date of hearing of the Petition is 21st June, 2025.

6. Mr. Raje submits that the Applicant is currently residing with her brother-in-law and sister at Nashik and therefore travelling from Nashik to Niphad which would take around 3 hours by public transport is extremely difficult for her.

7. The other difficulties faced by the Applicant is from of the caste and community of the Applicant as well as the Respondent as the two are different. Furthermore, the Applicant has received death threats and therefore fears travelling to Niphad alone as she has no one to travel along with her. Lastly, he submits that the Applicant is a college student and has no source of income and it is difficult to shell out travel expenses at this stage of life.

8. The law with respect to transfer of proceedings, particularly matrimonial disputes, is no longer *res-integra*. The ratio laid down by the Hon'ble Supreme Court in the cases of *Sumita Singh Vs. Kumar Sanjay reported in (2001) 10 SCC 41 : AIR 2002 SC 396* and *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha reported in 2022 SCC OnLine 1199*

that in matrimonial disputes, it is the convenience of the wife which is preferred over the convenience of the husband while considering the transfer of a case from one Court to another.

9. Having heard the submissions and being satisfied with the explanation offered, the Application is allowed in terms of prayer clauses (a) and (b) which reads as under:

“(a) The Hon’ble Court may be pleased to Transfer Hindu Marriage Petition No.445/2024 for restitution of conjugal rights filed before the Civil Judge Senior Division Niphad to the File of Family Court Nashik to be heard along with Petition A-745/2024 filed for Divorce by this Applicant.

(b) Pending the hearing and final disposal of the present application the proceedings in Marriage Petition No.445/2024 pending before the 7-Joint Civil Judge Senior Division Niphad, (Shri J.V. Bhende) may be stayed”.

10. Miscellaneous Application is disposed off in above stated terms.

11. All parties to act on an authenticated copy of this order.

(Kamal Khata, J.)

Note: This order is modified as per Speaking to the Minutes of Order dated 4th July, 2025.