



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.129 OF 2025**

Sonal Digvijay Phadtare	...	Applicant
versus		
Digvijay Balasaheb Phadtare	...	Respondent

Mr. Mehul Rathod with Ms. Darshana Vora i/by KVT Legal, for Applicant.
Mr. Prithviraj Gole for Respondent.
Mr. Digvijay B. Phadtare, Respondent present in Court.

CORAM: N.J.JAMADAR, J.

DATE : 2 MAY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for transfer of Marriage Petition No.A-17 of 2025 instituted by the Respondent – husband from the Court of Civil Judge, Sr. Division at Panvel to the Family Court at Bandra, Mumbai.
3. The marriage of the applicant was solemnized with the Respondent on 24 April 2021. In the wake of the marital discord, the Applicant was constrained to take shelter at her parental home at Ghatkopar, Mumbai. The Respondent has instituted a Petition for dissolution of marriage under Section 13 (1) (ia) and (1b) of the Hindu Marriage Act, 1955, before the Court of Civil Judge, Sr. Division, Panvel. The applicant asserts, on account of the ailments she has been suffering from and the financial and logistical constraints, she is not in a position to effectively defend the proceeding before the Court of Civil

Judge, Sr. Division, Panvel. Therefore, the said proceeding be transferred to the Family Court at Bandra, Mumbai.

4. An affidavit in reply has been filed on behalf of the Respondent. The assertions in the application regarding the illtreatment allegedly meted out to the applicant and the complications which allegedly arose on account of intrauterine pregnancy, are controverted. It is contended that, the applicant was advised bed rest for a period of few weeks only. Now, the applicant has no constraints in travelling. Therefore, the application be rejected.

5. Learned Counsel for the Respondent opposed the prayer for transfer of the Marriage Petition in line with the contentions raised in the affidavit in reply.

6. It is not controverted that the applicant is residing at Ghatkopar, Mumbai at her parental home. The applicant would find it inconvenient and onerous to attend the proceeding at Panvel. It appears, that the financial and logistical constraints may restrain the applicant from effectively defending the proceeding at Panvel. It is trite, in the matter of transfer of matrimonial proceeding, ordinarily it is the convenience of the applicant – wife which commands preference. Having regard to the distance between Panvel and Bandra, it does not appear that the Respondent would suffer inconvenience if the proceeding is transferred to the Family Court at Bandra. Moreover, the trial of the Marriage Petition No.A-17 of 2025 before the Family Court at Bandra, would promote the cause of justice as well.

7. Hence, the following order :

ORDER

(i) Misc. Civil Application stands allowed.

(ii) Marriage Petition No.A-17 of 2025 stands transferred from the Court of Civil Judge, Sr.Dvn., Panvel to the Family Court, Bandra, for hearing and disposal in accordance with law.

(iii) The learned Civil Judge, Sr. Division at Panvel shall transfer the record and proceedings in Marriage Petition No.A-17 of 2025 with such dispatch that it reaches the Family Court at Bandra, within a period of four weeks from the date of communication of this order.

(iv) No costs.

(N.J.JAMADAR, J.)