

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISCELLANEOUS CIVIL APPLICATION NO. 146 OF 2025****Chetna Ramehwar Somani alias****Chetna Amit Miharia****..... Applicant****VERSUS****Amit Arjun Kumar Miharia****..... Respondent****ALONGWITH****MISCELLANEOUS CIVIL APPLICATION NO. 216 OF 2025****Amit Arjun Kumar Miharia****..... Applicant****VERSUS****Chetna Ramehwar Somani****..... Respondent**

Ms. Priya Gajare for the Applicant in MCA/146/2025.

Ms. Pushpa Verma a/w. Mr. H.R. Shaikh for the Applicant in MCA/216/2025 and for the Respondent in MCA/146/2025.

CORAM : RAJESH S. PATIL, J.**DATE : 6 OCTOBER, 2025****P.C. :-**

1) Both, the husband and the wife have filed transfer petitions. The marriage between the applicant-husband and the respondent-wife was their second marriage. As there was marital discord, the husband (Amit) filed a divorce proceeding before the Family Court at Thane. The wife (Chetna), thereafter filed Section 9 of the Hindu Marriage Act petition before the Family Court at Parbhani.

2) It is submitted before me that the applicant-wife had two children out of her first marriage and the custody of those two children are with her husband from the first marriage. She has taken permanent alimony of Rs.60 lacs from her first husband.

3) As far as husband (Amit) is concerned, there is son born out of his first marriage who lives with him and he is around 17 years of age.

4) The distance between Parbhani and Thane is around 510 kms. Therefore, any person from Parbhani to Thane or else from Thane to Parbhani would have to travel over night journey which takes around 8 to 10 hours. The grounds for transfer sought by both the parties is that of their health condition, and affidavit to that effect have been filed by both the parties. From the affidavit filed by the husband, it can be seen that he has a heart ailment, for which he underwent surgery and had a stent implanted. He has been suggested certain medicines which he suppose to take regularly.

5) As far as the wife is concerned, in her affidavit dated 1 October, 2025, she has submitted that when she had been to the Mediation Centre of this Court, she suffered with mental anxiety and stress due to which she was rushed to 'Preeti Diagnostic Centre' at

Antop Hill and she consulted her Family Doctor Dr. S.V.Kulkarni, B.H.M.S. for urgent medical treatment. Her blood pressure went upto 94/170 and she was advised to avoid travelling. She has been further diagnosed with vertigo which had developed due to the road accident which she had met with four years ago, on Bombay Pune Express way.

6) The learned advocate appearing for the wife is not able to answer the query raised by this Court as regards why her client consulted a doctor at Antop Hill, Mumbai, when her client is from Parbhani. Except making a statement that the said doctor at Antop Hill is her family doctor, no other submissions have been made before me.

7) Learned advocate appearing for the husband has pointed out to me that one more certificate has been enclosed to the affidavit by the wife which is from Varad Clinic and the address of the clinic is that of Alandi, Pune. She submits that the distance between Alandi, Pune and Parbhani is around 8 hours. Therefore, it is not imaginable how a person has chosen Doctor whose clinic is at a distance of 8 hours at Alandi, Pune.

8) I have my own doubts about the certificate of the doctor in the affidavit which has been filed by the wife. Therefore,

considering the health condition of husband, I am of the view that both the Marriage Petitions can be heard by the Family Court at Thane.

9) Hence, **Miscellaneous Civil Application No. 216 of 2025 filed by the husband stands allowed in terms of prayer clause (b).**

10) In sequel, **Miscellaneous Civil Application filed by the wife being Miscellaneous Civil Application No. 146 of 2025 stands rejected.**

11) The wife (Chetna Somani) is permitted to attend the proceedings by Video Conferencing and whenever needed as per the opinion of the learned Judge hearing both the proceedings in the Court, she will attend physically before the Court.

12) Whenever the wife attends the proceeding physically in the Court, the husband (Amit) would pay the expenses for travelling and for residing in Thane City for the wife and for one person who will accompany her. The charges of such travelling and accommodation would be of Rs.15,000/-. Such charges will be paid in advance in atleast 48 hours before hearing is commenced by the husband.

[RAJESH S. PATIL, J.]