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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 255 of 2025

Mrs. Vidya Somkant Zirpe ... Applicant
v/s.
Mr. Somkant Prabhakar Zirpe ... Respondent

Mr. Nitin Dattatraya Vhatkar for the Applicant.

CORAM : Kamal Khata, J.
DATED : 23rd July 2025.

P.C.:-

1. The Present Application is filed under Section 24 of the Code of Civil Procedure, 1908.
2. By this Miscellaneous Civil Application, the Applicant-wife seeks transfer of the Marriage Petition No.144 of 2024, u/s 13 (ia) & (ib) of the Hindu Marriage Act, 1955, from the Civil Court of Senior Division, Satara to Family Court at Bandra; and Criminal Misc. Application No. 422 of 2018 from Judicial Magistrate of First Class, Koregaon, Satara to Metropolitan Magistrate Court, Kurla, Mumbai.
3. The marriage between the parties was solemnized on 2nd July, 2014 at Wathar Station, Koregaon, Satara, in

accordance with Hindu Customs and rituals. A child out was born out of the said wedlock. The couple resided at Songaon, Baramati after their marriage.

4. Mr. Nitin Dattatraya, learned Advocate for the Applicant, submits that within six months of the marriage, the Respondent subjected the Applicant to mental and physical harassment for dowry.

5. Consequently, the Applicant was compelled to leave her matrimonial home in 2018 and has since been residing at her parental home at Wathar Station, Koregaon, Satara since 2018. The parties have been living separately for the past seven years.

6. It is submitted that in December 2018, the Applicant instituted a case under the Domestic Violence Act, being Criminal Misc. Application No.422 of 2018 against the Respondent-husband. Despite interim orders being passed, the Respondent-husband failed to comply with the directions and is in substantial arrears of maintenance.

7. The learned Advocate points out that the JMFC, Koregaon had issued Non-Bailable Warrant against Respondent-husband, who was arrested and produced before

the Court for non-payment of interim maintenance. However, even after his arrest, the Respondent-husband has not made any further payments.

8. It is also submitted that the Respondent has issued threats to kill the Applicant and their minor son, and in view of these threats, the Applicant seeks transfer of proceedings.

9. The learned Advocate submits that the Applicant a disciple Prajapita Brahma Kumaris Ishwariya Vidyalaya, has been offered accommodation by a fellow disciple - an elderly lady residing at Antop Hill, Wadala - who is ailing and has requested the Applicant to reside with her and assist in her care. The Applicant in the interest of her own safety and that of her minor child, has agreed to do so and is currently residing at Wadala.

10. It is further submitted that the Respondent has refused service of the present Interim Application, and hence the matter be heard *ex parte*.

11. In support of this submission, the learned Advocate tenders the affidavit of service dated 22nd July, 2025 as well as the endorsement of refusal by the postal department.

12. Heard the learned Advocate for the Applicant and perused the record.

13. The Respondents refusal to accept service is noted. In view of the judgement of the Supreme Court in case of *N.C.V. Aishwarya v. A.S. Sarvana Karthik Sha*¹, which emphasizes that the Court must consider the convenience of the woman, and having regard to the conduct of the Respondent, who remains unrepresented despite service, I find no impediment in allowing this Application.

14. Application is allowed in terms of prayer clause (b) and (c).

15. All concerned to act on authenticated copy of this Order.

(Kamal Khata, J.)

¹ 2022 SCC OnLine SC 1199.