



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO. 54/2023

Dalika Monil Gala Vs. Monil s/o. Yogesh Gala

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Deshmukh, Advocate for Applicant.
Mr. A. K. Bhangde, Advocate for Non-applicant.

CORAM : MRS.VRUSHALI V. JOSHI, JJ.

DATED : 25/02/2025.

. The applicant has filed this application to seek transfer of the proceedings i.e. Petition No.A-1126/2024 filed by the non-applicant for divorce, pending before the Family Court No.1, Mumbai at Bandra to Family Court at Nagpur.

2. The learned Counsel for the applicant has stated that earlier, the applicant was staying at Mumbai. After separation from non-applicant, she started staying at Nagpur with her grandmother. Earlier her parents were also staying at Mumbai, but now, they are staying at Ahmadabad as the father of the applicant is Commercial Pilot. Two proceedings are pending before the Nagpur Court. One is under Section 498-A of Indian Penal Code and another proceeding is under the Protection of Women from Domestic Violence Act, 2005. The non-applicant is attending both the cases at Nagpur.

3. The applicant is working, but she is doing work from home and staying at Nagpur, therefore, it is inconvenient for her to travel to Mumbai for attending the divorce petition at Court at Bandra. Hence, prayed to

transfer the petition from Court at Bandra, Mumbai to Family Court at Nagpur.

4. The learned Counsel for the non-applicant opposed the application stating that the applicant is staying in Mumbai only. Only to harass the non-applicant, she has filed this application to transfer the petition from Court at Bandra, Mumbai to Family Court at Nagpur. He brought my attention to the order passed by this Court on 03.05.2023 wherein it is observed that the applicant was staying in Mumbai and working in Mumbai, as per the documents like Adhaar Card, Pan Card and Service Agreement, she is staying in Mumbai.

5. The learned Counsel for the non-applicant has relied on the judgment of the Hon'ble Apex Court in the case of **Anindita Das Vs. Srijit Das** reported in **(2006) 9 SCC 197** wherein it is observed that the leniency of this Court is being misused by the women. He has also relied on the judgment of **Amruta Ben Himanshu Kumar Shah Vs. Himanshu Kumar Pravinchandra Shah** reported in **2021 SCC OnLine SC 46**. It appears that the application was rejected as it was second application and the proceedings were at fag-end. The non-applicant has stated that it will not be inconvenient to the applicant, who is born and brought up in Mumbai and has taken education in U.S.A., she can travel from Nagpur to Mumbai even if she is staying in Nagpur and non-applicant is ready to pay her travelling charges. Hence, prayed to reject the application.

6. Heard both the learned Counsel

7. The applicant has filed two criminal

proceedings, which are pending before the Court of Magistrate at Nagpur. The non-applicant has to attend the said proceedings before the Court at Nagpur. The applicant has filed on record the documents to show that the applicant is doing work from home and is staying at Nagpur.

8. The learned Counsel for the applicant stated that there is apprehension of assault if she attends the Court at Bandra, Mumbai as the non-applicant has assaulted her when she was staying with him. The proceeding under D.V. Act is also pending in Court at Nagpur.

9. If we consider the status of the applicant, no doubt it is not difficult for her to travel from Nagpur to Mumbai. However, two criminal proceedings are already pending before the Court at Nagpur and both of them have to attend the Court at Nagpur. The non-applicant has to attend the other cases in Nagpur, therefore, he can conveniently take the same date of all the cases at Nagpur. Hence, considering the convenience of both the parties to attend the Court at a time in three matters, the application is allowed.

10. The proceedings i.e. Petition No.A-1126/2024 filed by the non-applicant for divorce, pending before the Family Court No.1, Mumbai at Bandra is hereby transferred to Family Court at Nagpur.

(MRS. VRUSHALI V. JOSHI, J.)