IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 337 OF 2025

Dipali Ashok Funde ...Applicant

Versus

Ashok Dadasaheb Funde ...Respondent

Mr. Rajdeep Shitole i/b Mr. Nikhil Pawar for the Petitioner.
Mr. Abhijit Pasale a/w Mr. Someshwar Wale a/w Mr. Vijaykumar Dhakane, for Respondent

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CORAM : SHARMILA U. DESHMUKH, J.

DATE : NOVEMBER 05, 2026

P. C. :

1. Mediation report is placed on record. The mediation was unsuccessful.

2. Heard learned counsel for the parties.

3. By the present application, the Applicant seeks transfer of petition, being Marriage Petition No. 1087 of 2024 pending before the learned Civil Judge Senior Division, Pune to the Court of Civil Judge Senior Division, Islampur, District Sangli.

4. The Applicant is residing at Islampur and has filed proceedings

under the Protection of Women from Domestic Violence Act ('DV Act'). Pursuant thereto, the Respondent has filed Marriage Petition No. 1087 of 2024 before the learned Civil Judge Senior Division at Pune.

5. Learned counsel appearing for the Applicant submits that the Applicant is not working and despite an order of maintenance being passed in the DV proceedings, the maintenance is not paid and therefore the Applicant is financially incapable of traveling a distance of almost 200 kms from Islampur to Pune.

6. *Per contra*, learned counsel appearing for the Respondent would oppose the application and would submit that the Respondent is working in Pune and the transfer of the petition would cause inconvenience to the Respondent-husband.

7. It is a well-settled position of law that it is the convenience of the wife which has to be taken into consideration.

8. The specific contention raised is that the maintenance which has been granted in the DV proceedings is not being paid by the Respondent-husband. The Applicant cannot be compelled to travel a distance of almost 200 kms from Islampur to Pune.

9. As the DV proceedings are pending before the Islampur Court, it would be appropriate if the Marriage Petition is also transferred from

Pune to Islampur for effective adjudication.

10. In light of the above, the application is allowed in terms of prayer clause (a) which reads as under:

> "a. This Hon'ble Court may be pleased to transfer the Petition bearing Marriage Petition No. 1087 of 2024 pending before the Ld. Civil Judge Senior Division Court, Pune at Pune to the Court of Civil Judge, Senior Division, Islampur Dist. Sangli."

[SHARMILA U. DESHMUKH, J.]