

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.297 OF 2025

Sayali Pritam Wadekar

... Applicant

Versus

Pritam Anil Wadekar

... Respondent

Mr. Ashok Tajane, for the Applicant.

Ms. Vaishali Deshmukh, for the Respondent.

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CORAM : M. W. CHANDWANI, J.

DATE : 17th APRIL, 2026.

P. C. :

1. Heard Mr. Tajane, learned counsel for the Applicant and Ms. Deshmukh, learned counsel for the Respondent.

2. By the present Application, the Applicant seeks transfer of Hindu Marriage Petition No.48 of 2025 filed by the Respondent under section 9 of the Hindu Marriage Act, 1955 in the Court of Civil Judge, Senior Division at Kolhapur to Family Court at Solapur.

3. Contention is raised that the Applicant is presently residing at the mercy of her parental home at Solapur. It is submitted that, her father has expired and her mother is suffering from paralysis. It is further pointed out that, the proceedings in respect of divorce and custody are already pending

before the Family Court at Solapur, and proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short “D.V. Act”) are also pending before the learned J.M.F.C, Solapur, wherein the Respondent is appearing.

4. The application is opposed on the ground that, the Respondent is taking care of a four and half year old minor daughter and, therefore, it would be difficult for him to attend proceedings at Solapur, as he cannot leave the minor child alone.

5. There is no dispute that the Applicant has lost her father and that her mother is paralyzed. It is further not in dispute that two proceedings are pending before the Family Court at Solapur and that one proceeding under D.V. Act is pending before the learned J.M.F.C., Solapur, in which the Respondent is duly appearing. The Hon’ble Apex Court in case of **N.C.V Aishwarya Vs. A.S. Saravana Karthik Sha**¹ has observed that while considering the case of transfer; wife’s convenience should be looked into. Further, in view of the fact that three petitions are already pending before the Courts at Solapur, wherein the Respondent is already appearing, and having regard to the circumstances stated above, I am of the considered view that a case is made out for transfer of the Marriage Petition.

6. So far as the submission of the learned counsel for the Respondent that, merely to harass the Respondent, the Applicant is taking different dates in the proceedings pending before the Court at Solapur is concerned, the learned counsel for the Applicant undertakes to co-operate with the Respondent in making a request to the respective Courts to list all the matters

1 2022 SCC Online SC 1199

on one day. The court may consider the request of the parties so that the proceedings shall proceed smoothly.

7. Hence, Application is allowed in terms of prayer clause (a), which reads thus;

“(a) The proceedings of Petition i.e HMP No.48 of 2025 filed by the Respondent husband in the Court of Civil Judge Senior Division at Kolhapur be transferred to the Family Court at Solapur having jurisdiction to try and entertain the matter”.

8. The Application stands disposed of.

[M. W. CHANDWANI, J.]