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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 338 OF 2025

Payal Prasad Shirodkar ...Applicant
Versus
Mr. Prasad Rajaram Shirodkar ...Respondent

Mr. Abhijit Vasantrao Desai for the Applicant.
Mr. Anand Patil for Respondent.

CORAM : M.M. SATHAYE, J.

DATE : 25th MARCH, 2026

P.C. :

1. Heard learned counsel for the parties. Perused the record.
2. The Applicant is wife who is seeking transfer of divorce proceedings filed by the Respondent-husband from the Court of Civil Judge Senior Division, Ratnagiri to the Court of Civil Judge Senior Division, Kolhapur.
3. The case of the Applicant is as under. That she is residing with her father at his mercy. That her father has poor financial condition and the Applicant herself does not have any independent source of income. That being a lady, she is unable to remain present on every date fixed at Ratnagiri which is at a distance of 165 km from her residence at village Koulav, Tal. Radhanagari, Dis- Kolhapur, which is a remote area in itself. That owing to non-availability of frequent public transport facilities, the Applicant is required to come to

Kolhapur first, and then board the bus to Ratnagiri and the whole process consumes at least 7 hours of journey to reach the Court at Ratnagiri. That attending one date requires the Applicant to leave by 6 a.m. in the morning and she can return back only by midnight. That there is nobody to accompany her to attend the Court at Ratnagiri.

4. It is specifically stated in the application that the Respondent has a medical store from which he gets income of Rs.1 lakh per month apart from income from agriculture. It is stated that Respondent's father is a retired teacher / pensioner and as such, the financial condition of the Respondent-husband is strong. It is also stated that the Respondent has a car and a bike and therefore need not depend on public transport and can afford to travel to Kolhapur for attending the case.

5. Learned counsel for the Applicant has pointed out that the proceedings under the Protection Of Women From Domestic Violence Act, 2005 are pending in the Court of Judicial Magistrate First Class, Radhanagari, Dist. Kolhapur in which an order of maintenance has been passed.

6. On the other hand, it is the case of the Respondent-husband that the proceedings at Ratnagiri are at the stage of leading evidence and as such, schedule of hearing can be fixed and the husband is ready to pay traveling and other charges to the Applicant and dates can be attended by the Applicant. It is submitted that the Applicant is educated lady with B. Pharm. Degree; however, it is not known whether she is working today or not. It is submitted that the divorce

proceedings are filed in October 2024 and the present application for transfer is filed belatedly in July 2025 after Domestic Violence proceedings are initiated. It is submitted that Respondent- husband can not keep his medical-store closed and attend the Court at Kolhapur.

7. I have considered the rival submissions and perused the record.

8. The averments on oath by the wife about the Respondent-husband owning a car and a bike, has remained uncontroverted as on today. The Applicant is staying at village Koulav, Tal. Radhanagari, Dis- Kolhapur and the distance between the two places is a matter of fact. The aspect of time required to be spent in journey is also a matter of fact. As on today, there is nothing on record to indicate that the Applicant-wife is having any independent source of income. Judicial notice can be taken on the fact that for attending one date, if a person is required to travel for seven 7 hours and return back by midnight, it is certainly inconvenient for a lady staying with her old father.

9. In the aforesaid facts and circumstances, in my view, the continuation of divorce proceedings at Ratnagiri, is certainly inconvenient to the Applicant-wife as compared to the Respondent's convenience to attend the case at Kolhapur.

10. In that view of the matter, a case for transfer is made out.

11. **Hence, this application is allowed and disposed of.** The proceedings of Marriage Petition No. 235 of 2024 are hereby

transferred to the Court of Civil Judge Senior Division, Kolhapur. Further, proceedings of PWDVA No.3 of 2025 is also hereby transferred to the Court of Judicial Magistrate First Class at Kolhapur.

12. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)