

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

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.359 OF 2025

Sayali Ankit Kokate

... Applicant

Versus

Ankit Rajendra Kokate

... Respondent

Mr. Nikhil Pawar a/w Ms. Manasi Patil, for the Applicant.

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CORAM : M. W. CHANDWANI, J.

DATE : 17th APRIL, 2026.

P. C. :

1. Heard Mr. Pawar, learned counsel for the Applicant.
2. The Respondent has been duly served. Despite a last opportunity granted on 9th March 2026, none appears on behalf of the Respondent.
3. By the present Application, the Applicant seeks transfer of Hindu Marriage Petition bearing No.296 of 2025 pending before the learned Civil Judge, Senior Division, Indapur to learned Civil Judge, Senior Division, Islampur.
4. It is submitted that, the Applicant has already filed Miscellaneous Criminal Application No. 40 of 2025 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short "D.V. Act") before the

learned Judicial Magistrate First Class, Islampur. The Applicant is a mother of two and half year old child. In order to attend proceedings at Indapur, she is required to undertake a journey involving three bus changes, which cause her considerable inconvenience and hardship.

5. It is further submitted that the Respondent is already appearing in the proceedings under the D.V. Act at Islampur. In these circumstances, the learned counsel for the Applicant submits that the aspect of convenience ought to be accorded paramount consideration while determining the question of transfer of proceedings.

6. Considering the fact that the Applicant, who is residing at Village June khed at the mercy of her parents, is required to change three buses to reach Indapur, it would be extremely difficult for her to travel all the way from her village to Indapur, leaving behind her two and half year old son. The Respondent, however, is already attending the proceedings under the D.V. Act at Islampur.

7. Since nobody appears on behalf of the Respondent, the contentions made by the Applicant on affidavit remain un-controverted. Further as held by the Hon'ble Apex Court in case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha**¹, convenience of the wife is required to be taken into consideration while considering transfer of cases. The Applicant, being a lady with a minor son of about two and half years will face difficulty in travelling from her village to Indapur.

1 2022 SCC Online SC 1199

8. Considering all these circumstances, a case is made out for transfer of the Petition. Hence, Miscellaneous Civil Application is allowed. The Marriage Petition No.296 of 2025 pending before the learned Civil Judge, Senior Division, Indapur be transferred to the learned Civil Judge, Senior Division, Islampur.

9. The Application stands disposed of.

[M. W. CHANDWANI, J.]