Swapnil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO. 33 OF 2026

Manish Aditya Gajbhar. …Applicant

Vs.

Aditya Sanjay Gajbhar. …Respondent

Mr. Chintamani K. Bhangoji a/w. Ms. Lata Bhangoji for the applicant.

CORAM : GAURI GODSE, J.

DATE : 9th OCTOBER 2026

ORDER :

1. This application is filed under Section 24 of the Civil Procedure Code, 1908 (”CPC”) by the wife, seeking transfer of the marriage petition filed by the husband in the court at Kalyan to the civil court at Panvel.

2. Though served, none appears for the respondent. By order dated 18th September 2026, as a last chance to the respondent, the application was adjourned to be decided finally. Despite service none appears for the respondent.

3. Learned counsel for the applicant submits that the applicant is unemployed and is residing alongwith her mother and sister at Panvel. She is required to travel for more than

two hours to reach the court at Kalyan from her place of residence. Considering the financial constraints, she is unable to travel to Kalyan from Panvel. Learned counsel for the applicant further points out that the applicant has filed the petition for restitution of conjugal rights and the proceedings under the Protection of Women from Domestic Violence Act, 2005 (“DV Act”) in the court at Panvel. He, therefore, submits that no prejudice would be caused to the respondent if his marriage petition is also transferred to the court at Panvel. He also points out that after the petition for restitution of conjugal rights and the proceedings under the DV Act were filed by the applicant in the court at Panvel, the respondent has filed the marriage petition for divorce in the court at Kalyan. He, therefore, submits that considering the inconvenience and hardship to the applicant, the respondent’s marriage petition be transferred to the court at Panvel.

4. I have perused the application. The submissions made on behalf of the applicant are supported by the particular averments in the application. The respondent has neither filed any reply nor appeared to oppose the grounds raised by

the applicant. Considering the averments made in the application, the applicant has made out a case for transfer on the ground of hardship and inconvenience. No prejudice would be caused to the respondent, if the marriage petition filed by him is transferred to the court at Panvel. Since other two proceedings are pending in the court at Panvel, it would be convenient for the parties that the marriage petition filed in the court at Kalyan is transferred to the court at Panvel.

5. For the reasons stated in the miscellaneous civil application, it is allowed in terms of prayer clause ‘a’ which reads as under :-

“a) This Hon’ble Court be pleased to transfer the proceedings of Hindu Marriage Petition No. 1509/2025 filed by Respondent Husband for Divorce before the court of learned 2nd Civil Judge Senior Division, Kalyan, District Thane, to the file of Civil Judge, Senior Division, at Panvel District – Riagad for further proceeding and hearing in the matter accordingly.**”**

[GAURI GODSE, J.]