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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 141 OF 2026

Smt. Akanksha Anirban Roy @ Akanksha Rajendra Sonawane … Applicant

Vs.

Shir Anirban A Roy … Respondent

Mr. Rohit D. Gorade for the Applicant.
Ms. Samina Mirza for the Respondent.

CORAM : GAURI GODSE, J.

DATE : 14th OCTOBER 2026

ORDER :

1. This application is filed under Section 24 of the Code of Civil Procedure, 1908 (“CPC”) by the wife seeking transfer of the marriage petition filed by the husband in the court at CBD Belapur to the Family Court at Nashik. Learned counsel for the applicant submits that the applicant had no source of income, however, recently she has started working. The 10 year old daughter is residing with the applicant at Nashik and the applicant is dependent on her parents. Considering the distance between the applicant’s place of residence at Nashik and the Court at CBD Belapur, it would be difficult for

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the applicant to travel along with the child. The child is also studying at Nashik. He therefore submits that it will be inconvenient for the applicant to travel and she would also suffer hardship as she has no sufficient means of income and she is dependent on her parents. Learned counsel for the applicant therefore submits that the marriage petition be transferred as prayed.

2. Learned counsel for the respondent opposes prayer for transfer mainly on the ground that the respondent is suffering from some medical issue pertaining to cervical problem. She relies upon the medical papers annexed to the reply. She further submits that the applicant was working since beginning and she has sufficient source of income. She further submits that the educational expenses of the child are taken care of by the respondent. Hence, there would not be any inconvenience or hardship for the applicant to attend the court proceeding at CBD Belapur. However, it would be inconvenient for the respondent to travel considering his ill health. She submits that considering the ill health the respondent is advised to work from home.

3. I have perused the papers. Admittedly the minor

daughter is residing with the applicant at Nashik. The distance between the applicant's place of residence and the court at CBD Belapur is approximately 170 kms. Considering the distance and the fact that the minor child who is residing with the applicant, it would be inconvenient for the applicant to travel. The applicant is also likely to suffer hardship if she is required to travel along with the minor daughter. Since the minor daughter is studying in Nashik it would be inconvenient for the applicant to travel.

4. I have perused the medical papers annexed to the affidavit in reply. The medical papers pertain to an MRI conducted regarding cervical spine. The advise to work from home is of 26th August 2024. There is nothing produced on record to show that even today the respondent is advised to work from home or that he is medically advised not to travel. In such circumstances the medical papers relied upon by the respondent would be insufficient to accept his contention that he would not be in a position to travel to Nasik. Hence, considering the aforesaid facts and circumstances, it would be more inconvenient for the applicant to travel along with the minor child. Hence, the applicant has made out a case

for transfer.

5. For the reasons stated in the application it is allowed in terms of prayer clause 11(a) which reads as under:

> (a) The Honorable Court may kindly be pleased to Transfer the Petition No. A-26/2026 pending before the Family Court at Belapur, Navi Mumbai to the Family Court at Nashik.

6. The parties shall appear before the court at Nashik on 30th November 2026. Accordingly the court shall fix the further schedule as per the convenience of the court. It is thus clarified that no fresh notice after the transfer would be necessary.

[GAURI GODSE, J.]