



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLICATION (TR) NO. 28 OF 2026

(ANKITA W/O SWAPNO KAMAL ROY (ANKITA D/O DILIP BAIRAGI)

VS

SWAPNO KAMAL S/O KASHIROD ROY)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
Judge's order
and Registrar's orders.*

Court's or

Mr. P. A. Teni, Advocate for applicant.

Ms. Shivani Kondekar, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.

DATED : APRIL 21, 2026

1) The applicant-wife has filed the present application seeking transfer of divorce petition bearing H.M.P. No.637/2025 from the Court of learned 5th Joint Civil Judge Senior Division, Panvel, Dist. Raigad to the learned Court of Civil Judge Senior Division at Chandrapur. It is stated in the application that distance between Chandrapur to Panvel is around 850 k.m. and that it will not be possible for the applicant-wife to travel alone from Chandrapur to Panvel. It is stated in the application that the applicant-wife has filed a proceeding under the Protection of Women from Domestic Violence Act, 2005 at Chandrapur, which is registered as 48/2026.

2) Learned advocate for the applicant-wife states that it will be proper that both the proceedings are decided together at Chandrapur and that since the husband in any case has to travel to Chandrapur for

contesting the domestic violence proceeding, the divorce petition can be transferred to the competent jurisdiction at Chandrapur.

- 3) Learned advocate for the respondent-husband opposes the application. She points out that the mother of respondent has also initiated domestic violence proceeding in which the applicant-wife is a party respondent. She states that the said proceeding was filed prior in point of time.
- 4) Learned advocate for the respondent-husband also raises same contention that the applicant-wife in any case will have to travel down to Panvel to contest the domestic violence proceeding initiated by her mother-in-law. It is also stated that the applicant-wife is not a working woman and therefore, will not suffer any loss of income in case she has to travel to Panvel for attending the proceedings. She states that the respondent-husband is ready to pay appropriate amount towards travelling and other expenses to the applicant-wife. As regards the domestic violence proceeding at Chandrapur it is stated that, same is filed after summons in the divorce petition served upon the applicant and even after filing of the present transfer application.
- 5) Having regard to totality of circumstances, in the considered opinion of this Court, it will not be appropriate to direct transfer of the divorce petition from Panvel to Chandrapur, since a domestic violence proceeding instituted prior in point of time is pending at

Panvel. Apart from this, the husband has also shown readiness to bear the charges towards travelling and other expenses. Apart from the distance no other circumstance is pointed out necessitating transfer of the proceeding from Panvel to Chandrapur.

- 6) In view of the aforesaid, application is rejected. The respondent-husband shall pay sum of Rs.7500/- to the applicant-wife on each date of hearing when she personally attended the Court at Panvel.
- 7) On such dates on which the advocate for applicant is required to travel from Chandrapur to Panvel, it will be open for the learned Civil Court to decide the appropriate amount to be paid by the husband to the wife towards travelling and other expenses of her advocate.
- 8) In the event the applicant-wife makes an application for appearance through video-conferencing, the same may be considered favourably and permission to appear through video-conferencing may be granted on such dates and at such stages as is deemed appropriate by the learned Court at Panvel.

(ROHIT W. JOSHI, J.)