

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**MISC.CIVIL APPLICATION NO.224 OF 2014**

Mrs.Preeti Manoj Gaikwad .. Applicant

Vs.

Mr.Manoj Ashok Gaikwad .. Respondent

Mrs.Deepa Kamath for the applicant

Mr.R.N.Sanghavi for the respondent no.2

**CORAM : K.K.TATED, J.**  
**DATED : 29/09/2015**

**PC:**

- 1 Heard the learned counsel for the applicant.
- 2 Both the counsel state that the applicant as well as respondent are present in court. Their presence is recorded.
- 3 This application is preferred by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of Divorce Petition 74 of 2014 filed by respondent husband in the District Court, Pune to the District Court, Kolhapur for hearing and final disposal on its own merits.
- 4 The learned counsel for the applicant submits that the distance between Kolhapur and Pune one way is more than 220 kms. She further submits that it is very difficult for the applicant to attend each

and every date of hearing at Pune due to small child of 1 and ½ year. She further submits that at present, applicant does not have any source of income. At present, she is residing at Kolhapur with parents. She submits that the parents are Senior Citizen and they are retired. Hence, in the interest of justice, this Hon'ble Court be pleased to transfer Marriage Petition No.74 of 2014 filed by respondent husband at Pune to the District Court at Kolhapur.

5 On the other hand, the learned counsel for the respondent vehemently opposed the present application. He submits that in view of advance technology matter can be proceeded at Pune through video conference. He submits that in view of advance technology, it is not necessary to transfer the matter from Pune to Kolhapur. He submits that respondent husband have to maintain his parents who are also Senior Citizen and retired from service. He does not have any family member to look after his parents. Apart from that, the distance from Kolhapur to Pune is more than 220 kms.

6 Heard both the sides at length.

7 The Apex Court in the matter of **Pratibha Khema Vs. Sanjay Kumar Khemka, 2005(2) LJ Soft SC 19** held that the convenience of a lady to be given priority at the time of deciding the Application for transfer of divorce petition from one place to another place. Similar view has been taken by our High Court in the matter of **Saw.Megha vs. Madan, 2013 (4) BCR 211.**

8 Considering the above mentioned facts and the law declared by the Apex Court and High Court as stated hereinabove, I am of the

opinion that the appellant has made out a case for allowing this application. Hence, following order is passed:

(A) Miscellaneous Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) That this Hon'ble Court be pleased to transfer the MP NO.74 of 2014 of District court Shivaji Nagar, Pune at Pune to Hon'ble District Court at Kolhapur as per Section 24 of CPC, 1908.”

B) Miscellaneous Civil Application is disposed of accordingly.

**(K.K.TATED, J.)**

**CERTIFICATE**

Certified to be true and correct copy of the original signed order.