

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

MISCELLANEOUS CIVIL APPLICATION NO.248 OF 2018

Mrs. Shital Virat Panchal ...Applicant

Versus

Virat Ramnik Panchal ...Respondent

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Mr. Dharmendra J. Damani for the Applicant.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th NOVEMBER, 2018.

P.C.:-

Heard. This is an application for transfer of Marriage Petition No.372 of 2017 from Civil Judge, Senior Division, Vasai to the Family Court, Bandra.

2. It is well settled that Power to transfer should not be executed casually and mechanically. While considering the matrimonial case for transfer from one court to other, the court has to consider all the facts and circumstances i.e. the convenience of the wife has to be considered keeping in mind several factors such as financial constraints, travelling factors, distance between the place where the proceedings are pending and the inconvenience that is likely to cause to the wife, etc.

3. In the instant case, the Applicant is residing at Kandivali. The distance between Kandivali to Vasai is about 36 kms, whereas the distance between Kandivali to Bandra is about 26 kms. The difference in distance is too negligible to cause inconvenience to the Applicant. The Applicant further contends that she cannot travel alone as the Court is 9-10 kms away from the Railway station. Suffice it to say that it is not possible to provide courts at door steps of the litigants. Furthermore, that the parents are suffering from diabetes is also not a ground to transfer the application. The reasons stated in the application are not sufficient to transfer the petition. The application has no merits and is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)