

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

MISCELLANEOUS CIVIL APPLICATION (ST) NO.31929 OF 2017

Mrs. Vishakha Viajy Bhandare

... Applicant

V/s.

Mr. Vijay Jagannath Bhandare

... Respondent

Mr.Dilip B. Shinde for the Applicant.

Mr.Nagesh Y. Chavan for the Respondent No.1.

CORAM : A.M.DHAVAL, J.

DATE : 12th OCTOBER, 2018.

P.C.:

. Heard the learned advocates for the parties. The wife has filed this Miscellaneous Civil Application under section 24 of the Civil Procedure Code for transfer of Divorce proceedings H.M.P. No.457/2016 filed by her husband before Civil Judge Senior Division, Sangli to the Family Court, Bandra on following grounds: a) She is having a small child aged 6 years old; b) She is serving in Anganwadi, Vikhroli and has a meager income and even could not attend the earlier petition for restitution of conjugal rights filed by her husband on account of inconvenience and c) The respondent husband is serving in Mumbai and the petition is filed before the Court of Civil Judge Senior Division, Sangli only to harass the wife.

2. The husband opposes the application stating that he is no more serving in Mumbai. His father has expired and is residing along with her mother and doing labour work in Sangli.

3. In view of *Sumiti Singh's case, AIR 2002 Supreme Court Cases 396*

wherein it is observed that the convenience of the wife is to be looked at in view of above facts this is a fit case for transfer. Hence, the order:

ORDER

- i) Application is allowed;
- ii) H.M.P. No.457/2016 filed before Civil Judge Senior Division, Sangli is transferred to the Family Court Bandra;
- iii) The Superintendent of the Court of Civil Judge Senior Division, Sangli shall transmit the Record and Proceedings to the Family Court, Bandra at the earliest;
- iv) The parties to remain present in the Family Court, Bandra on 1/11/2018.
- v) MCA stands disposed of.

(A.M.DHAVAL, J.)