IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 172 OF 2019

Mrs. Jayshree Pratik Patil ...Applicant

Versus

Pratik Jaywantrao Patil ...Respondent

...

Mr.Ashok B. Tajne, Advocate for the Applicant.

...

CORAM : K.K.TATED, J.
DATED : AUGUST 29th, 2019

P.C.

1. Heard learned counsel for the Applicant.

2. Though the Respondent is duly served, no one appeared on behalf of the respondent, when the matter is called out.

3. By this Civil Application, under Section 24 of Code of Civil Procedure 1908, the Applicant-wife is seeking transfer of Marriage Petition No. A-149 of 2018 filed by the husband under Section 13(1)(a-i) of the Hindu Marriage Act, 1955 for divorce before the Family Court at Thane to learned Civil Judge, Senior Division, Jalgaon.

4. The learned Counsel for the Applicant submits that, the Applicant-wife has also filed Hindu Marriage Petition No. 12 of 2019 under Section 9 of the Hindu

Marriage Act, 1955 for Restitution of Conjugal Rights. He submits that, the said application is pending for hearing on its own merits.

5. The learned Counsel for the Applicant submits that, it is very difficult for her to travel from Jalgaon to Thane on each and every date along with her minor daughter who is aged 2 years and 2 months. He submits that, the distance between Thane to Jalgaon is 390 Kms. He submits that, for attending the matter at Thane, the Applicant-wife has to travel overnight. Therefore, in the interest of justice, this Hon'ble Court be pleased to transfer the petition filed by the Respondent-Husband from Thane to Jalgaon.

6. It is to be noted that Apex court in the matter of ***Sangeeta alias Shreya vs. Prasant Vijay Wargiya, (2004) 13 SCC 407 and Vandana Sharma vs. Rakesh Kumar Sharma (2008) 11 SCC 768*** held that convenience of wife is required to be seen at the time of transferring the matter from one court to another court for hearing.

7. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Misc. Civil Application and the law declared by the Apex Court in the matters of ***Sangeeta alias Shreya vs. Prasant Vijay Wargiya and Vandana Sharma vs. Rakesh Kumar Sharma*** (Supra), I am satisfied that the Applicant has made out a case for allowing the present Misc. Civil Application Hence, following order is passed:

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

> *(a) This Honb'le Court be pleased to transfer Marriage Petition No. A-149 of 2018 filed by the Respondent Husband in the Family Court at Thane to the learned Civil Judge, Senior Division at Jalgaon."*

B. Misc. Civil Application stands disposed off accordingly.

C. No order as to costs.

(K.K.TATED, J.)