

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

**MISC. CIVIL APPLICATION (ST.) NO.25518 OF 2018**

|                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------|---------------------------|

Mr.V.S.Tadake i/b Mr.M.B.Gawade for the applicant

Ms.Tanvi Sangale i/b M/s.Pravartak Pathak for the respondent

**CORAM : K. K. TATED, J  
DATE : JULY 22, 2019**

**P.C.:**

. Heard.

2 This Application is filed by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of M.P.No.A-710/2017 filed by the Respondent husband under section 31(1)(i-a) of the Hindu Marriage Act 1955 for divorce from Family Court Nashik to the Civil Judge, Senior Division Panvel for hearing and final disposal on its own merits.

3 The learned counsel for the Applicant submits that Applicant is not keeping well. He further submits that to attend the matter at Nashik, Applicant has to leave Panvel in the morning and the distance between Panvel and Nashik is more than 150 kms. He further submits that financial condition of the Applicant is not so good, that she can spend the amount on travelling. He submits that in such type of matters, convenience of the wife is required to be considered at the time of deciding the Application.

4 The learned counsel for the Applicant submits that she already filed Application under section 498A of Code of Criminal Procedure, 1908 for taking action against the Respondent and same is pending at New Bombay. He further submits that Applicant filed proceeding under section 125 of Criminal Procedure Code for maintenance as well as under Protection of Women from Domestic Violence Act, 2006. Both these matters are pending at Panvel.

5 The learned counsel for the applicant in support of this contention relies on judgment of High Court of Himachal Pradesh in the matter of ***Mrs.Rachna vs. Prashant Sharma in C.M.P.M.O. No.11 of 2016 dated***

**21.6.2017.** He submits that in this matter, Hon'ble Court held that convenience of the wife is required to be considered at the time of deciding transfer Application. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the present Application. He submits that if application is not allowed, irreparable loss will be caused to the Applicant.

6 On the other hand, the learned counsel for the Respondent vehemently opposed the present Application. She submits that Applicant is ready and willing to pay amount of Rs.500 per visit to the Applicant to attend the matter at Nashik. She submits that Respondent is a driver by profession and therefore, it is very difficult for him to attend the matter at Panvel, if it is transferred and therefore, there is no question of entertaining the present Application.

7 Heard both the sides at length.

8 It is to be noted that in the present proceedings, two proceedings are already pending at Panvel between the same parties. Respondent is attending those proceedings at Panvel.

9 Considering these facts, I am of the opinion that Applicant has made out a case for

following order:

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

*"(b) The Hon'ble High Court may be pleased to transfer the proceedings of marriage Petition No.A-710 of 2017 pending before the Ld.Family Court, Nashik (Nashik Road) Nashik to the Civil Judge, Senior Division, Panvel."*

B. Misc. Civil Application stands disposed of accordingly.

C. No order as to costs.

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