

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

MISC. CIVIL APPLICATION (ST.) NO. 27718 OF 2018

Sujata Amit Rane

.....Applicant.

Vs.

Amit Baburao Rane

.....Respondent.

Ms. Savita M. Yadav for the Applicant.

Ms. Siddhi Bhosle for the Respondent.

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CORAM : K. K. TATED, J.

DATE : AUGUST 2, 2019

P.C.

1. Heard Learned Counsel for the parties.
2. Liberty is granted to the applicant to carry out appropriate amendment in prayer clause (a) and (b) during the course of day.
3. By this Misc. Civil Application, under Section 24 of the Civil Procedure Code, the Applicant wife is seeking transfer of Hindu Marriage Petition No. A 311/2019 filed by the Respondent husband for divorce before the Family Court at Jalgaon to the Family Court at Pune.
4. The Learned Counsel for the Applicant submits that, it is very difficult for the Applicant to travel from Pune to Jalgaon. She submits that the distance between Pune to Jalgaon is more than 400 Kms. She further submits that, the Applicant has four years child, therefore, to travel with minor child from Pune to

Jalgaon is very difficult for the Applicant. She further submits that even the application filed by the Applicant wife under Section 12, 18, 19, 20, 21, 22 and 23 r/w Section 2 of the Protection of Women from Domestic Violence Act, 2005 is pending before the Judicial Magistrate, First Class at Pimpri, Pune. She submits that, in the interest of justice, this Hon'ble Court be pleased to transfer the Divorce Petition filed by the Respondent husband from Jalgaon to Pune for hearing and final disposal on its own merits.

5. The Learned Counsel for the Applicant submits that, the Respondent is also staying at Thane. She submits that it is also convenient to the Respondent to attend the matter at Pune because the distance between Thane to Pune is of two and half hours journey only. Whereas, the journey from Thane to Jalgaon is more than 8-9 hours.

6. On the other hand, the Learned Counsel for the Respondent husband vehemently opposed the present application. She submits that it is more convenient to the Respondent if the matter is kept to Jalgaon only. She submits that, the Respondent has his establishment at Jalgaon, so that, he can go and stay there and pursue the matter. Therefore, there is no substance in the present Misc. Application and the same to be dismissed with cost.

7. Heard both sides at length. It is to be noted that, the Applicant has minor child of four years. To travel from Pune to Jalgaon it takes atleast 10-12 hours,

therefore, it is very difficult for her to attend each and every date at Jalgaon Court. Apart from that presently the Respondent is staying at Thane and the distance between Thane to Pune is of two and half hours journey only. Apart from that the Hon'ble Apex Court in the matters 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 for hearing.

8. In view of the above mentioned facts and the law declared by the Hon'ble 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. The Misc. Civil Application is allowed in terms of prayer clause (a) which reads thus:

The Hon'ble Court may be pleased to issue appropriate direction and/or direction to transfer the matrimonial proceedings being Divorce Petition No. A-311 of 2019 pending before the Family Court at Jalgaon to the Family Court at Pune.

b. The Misc. Civil Application is disposed of accordingly.

c. No order as to costs.

(K. K. TATED, J.)