

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

MISC. CIVIL APPLICATION NO.2 OF 2021

Mrs. Shweta Jitendra Pingale

...Applicant

Versus

Jitendra Shekhar Pingale

...Respondent

...

Mr. Kiran A. Nikam for the Applicant.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 22nd MARCH, 2021.

P.C.:-

The Applicant-wife has filed Application under Section 24 of the Civil Procedure Code, 1908 seeking transfer of divorce petition being H.M.P. No.111 of 2020 from the file of learned C.J.S.D., Alibag to C.J.S.D. Panvel.

2. None present on behalf of the Respondent though notice of this application was duly served. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant.

3. It is stated that the Applicant-wife has filed domestic violence proceedings No.799 of 2019, which is pending before the learned Judicial Magistrate, Panvel. The Respondent, who is a resident

of Kurla has filed custody matter being CMA No.3 of 2003, before learned Additional District Judge, Panvel and a Divorce Petition H.M.P. No.111 of 2020 before C.J.S.D., Alibag. The Applicant is a resident of Panvel. She has sought transfer of Divorce Petition from C.J.S.D., Alibag to C.J.S.D., Panvel on the ground that she has a two year old child and it is inconvenient for her to attend the Court at Alibag, which is at a distance of 65 km. from her residence.

4. It is a fact that other proceedings between the parties including the one filed by the Respondent-husband are pending at Panvel. It is to be noted that the Applicant wife has a two year old child and compelling her to travel a long distance leaving behind her minor child will not only cause inconvenient to the Applicant but will adversely affect the interest of the child. Hence, this is a fit case to transfer the Divorce Petition from Alibag to Panvel.

5. Under the circumstances, the application is allowed. Hindu Marriage Petition No.111 of 2020 pending on the file of C.J.S.D., Alibag is ordered to be transferred to the Court of C.J.S.D., Panvel with further directions to forward record and proceedings to C.J.S.D., Panvel.

(SMT. ANUJA PRABHUDESSAI, J.)