

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 45 OF 2022**

Ashwini Ganesh Bhosale

....Applicant

Versus

Ganesh Uddhav Bhosale

....Respondent

Mr. Hrishikesh S. Shinde, Advocate for the Applicant.
None for the Respondent.

CORAM : S. G. DIGE, J.

DATE : 13th DECEMBER, 2022.

P.C. :

1. Heard learned counsel for the applicant. Though the respondent is served, none present for the respondent. On the last date, this Court had given last chance to the respondent to go on with the matter. Today also, none present for the respondent.

2. This is wife's application for transfer of H.M.P. No.1083 of 2009 filed by the respondent in Learned Court No.4, 6th Joint Civil Judge, Senior Division, Thane, to the Family Court at Solapur, where the applicant has filed petition under Section 12(1)(a) and (c) of the Hindu Marriage Act, 1955 for nullity of marriage.

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3. it is the contention of the learned counsel for the applicant that the applicant has no source of income, she is residing at her parent's house and is at the mercy of her parents and it is highly inconvenient to the applicant to travel to Thane to attend the matter at Thane Court. Learned counsel further submits that the applicant has numerous health problems. He relied upon the decisions of the Hon'ble Apex Court in **Rajani Kishor Pardeshi versus Kishor Babulal Pardeshi (20050 12 SCC 237 and Sumita Singh versus Kumar Sanjay and anr. (2001) 10 SCC 41.**

4. I have heard learned counsel for the applicant. It is settled principle of law that while considering the transfer proceedings in matrimonial dispute, the convenience of the wife is prime consideration. I have perused the medical documents produced by the applicant on record (Exhibit "D"), page 70. The applicant is the resident of Solapur, whereas the respondent has filed proceedings at Thane. As per the view taken by the Hon'ble Apex Court in **Sumita Singh (Supra),** in transfer petition, convenience of wife is prime consideration.

5. In view of the above, I pass the following order :

1. The application is allowed.
2. H.M.P. No.1083 of 2019 pending on the file of learned Court No.4, 6th Joint Civil Judge Senior Division, Thane be transferred to Family Court at Solapur.

The miscellaneous civil application stands disposed of.

(S. G. DIGE, J.)