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

MISC. CIVIL APPLICATION 200 OF 2022

Mrs. Neha Parab

... Applicant.

V/s.

Mr. Shishir Laxman Shetye

... Respondent.

Mr. Himanshu Nagarkar, Advocate for the Applicant.

Mr. Om Prakash Singh, Advocate for Respondent.

CORAM : ROHIT B.DEO, J.

DATE : JULY 22, 2022

PC :

1. The applicant is seeking transfer of Marriage Petition 1538 of 2021 which is now numbered as Marriage Petition 290 of 2022 instituted by her husband in Civil Court, Senior Division, Vadgaon, Maval, Pune to Family Court at Thane.

2. The applicant and the non-applicant entered into matrimonial alliance on 14.11.2013 and resided at Kalwa, Thane till 2017. Vihan is the son, aged 3 years, from the wedlock.

3. The matrimonial relationship has ran into rough weather for reasons which need not detain me, considering the limited issue involved.

4. The non-applicant husband has filed petition for divorce and the applicant has attended the Wadgon Court on 3 occasions.

5. The applicant submits that she is forced to work as a school teacher at Airoli, New Mumbai and the constraints of the job, the duty and responsibility to look after the 3 year old son would make it extremely difficult for her to keep on traveling to Wadgao, Pune to attend the court proceedings. The applicant further submits that her husband has a residential house at Kalwa, Thane.

6. Referring to the affidavit in response, the learned counsel for the applicant would further submit that even according to the applicant, he is assigned the duty of Covid -19 management at Pune rural and Khalapur area. The learned counsel for the applicant would submit that

Khalapur is close to Thane and the non-applicant would not suffer any inconvenience if the marriage petition is transferred to Thane Family Court, Thane.

7. I have perused the affidavit in response and heard the learned counsel for the non-applicant/husband. The averment that the non-applicant husband owns house at Kalwa, Thane, is not rebutted.

8. The application for transfer is opposed on several grounds.

9. The applicant contends that the job of the non-applicant is not strenuous and she can easily travel to Wadgaon to attend the court proceedings.

10. In my considered view, two circumstances justify the transfer. The first is that the applicant is working at Airoli and she has to look after the 3 year old son and the second circumstance is that since the transferee court would be in very close proximity to Khalapur, which area the non-

applicant husband looks after alongwith the Pune rural, as part of his job with the common biomedical waste disposal facility. The aspect of the comparative convenience as such tilts in favour of the applicant – wife.

11. The application is allowed.

12. Marriage Petition 1538 of 2021 which is now numbered as Marriage Petition 290 of 2022, pending at learned Civil Court, Senior Division at Wadgaon, Pune, is tranferred to Family Court at Thane.

(ROHIT B. DEO, J.)

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