

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

978 MISC.CIVIL APPLICATION NO.7 OF 2023

**DHANSHRI RAJKIRAN KELODE
VERSUS
RAJKIRAN YASHVANTRAO KELODE**

...

Mr. Jitendra Wagh, Advocate for the applicant.
Mr. L.K. Pradhan, Advocate for the respondent.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 17th March 2023.

ORDER:-

1. Heard rival submissions. The applicant – wife is seeking transfer of HMP No. 159/2022 filed by the respondent-husband for restitution of conjugal rights, from the Court of Civil Judge (Senior Division), Dhule to the Court of Civil Judge (Senior Division), Kalyan, District Thane.
2. According to the applicant-wife, she is resident of Khadakpada, Kalyan and needs to attend her office at least three days in a week. Moreover, she has also filed proceeding under the provisions of Protection of Women from Domestic Violence Act in the court of concerned J.M.F.C. Kalyan. The distance between Dhule and Kalyan is about 285 kms and it is highly difficult for her to attend the dates at Dhule.

3. The learned counsel for the respondent- husband strongly opposed the application by filing reply on the ground that applicant is having package of Rs.11,50,000/- per year and she can very well bear the expenses of attending the dates at Dhule.

4 It is significant to note that both the parties are highly educated and earning handsomely. However, the respondent will have to attend the dates at Kalyan in D.V. proceeding in future. Moreover, the distance between Dhule and Kalyan is of 285 Kms. and being a lady it would be difficult for the applicant to attend the dates at Dhule. It is settled that convenience of the wife needs to be seen ahead of the convenience of husband, especially in transfer cases. As such, considering the convenience of applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) HMP No. 159/2022 pending in the Court of Civil Judge (Senior Division), Dhule is transferred to the Court of Civil Judge (Senior Division), Kalyan for its disposal according to law.
- (iii) The respondent is directed to appear before learned Civil Judge (Senior Division), Kalyan on or before 15/04/2023. The respondent is

at liberty to appear in the proceedings at Kalyan through his Advocate except on the dates on which his physical presence is required. He may avail the facility of Video Conferencing, if available and seek convenient date for both the proceedings at Kalya.

(iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)