

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

MISCELLANEOUS CIVIL APPLICATION NO. 63 OF 2022

Smt. Yogita Ashok Sawant & Ors.	.. Applicants
v/s.	
Ashok Madhukar Sawant	.. Respondent

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Mr. Dinesh Bhosale for the applicant.

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CORAM : KAMAL KHATA, J.

DATED : 19TH JUNE 2023.

P.C. :

1. Heard learned counsel for the applicant. The present application is for transfer of Marriage Petition no.622/2021 from the Civil Judge, Senior Division, Pune to Pandharpur.

2. The applicant's case is that the marriage took place at Pune on 3rd June 2014. Out of said wedlock, the applicant and the respondent have two daughters aged 8 and 5 years old. On account of marital discord, the applicant is staying separately since 30th April 2019. She has been residing with her parents. Divorce proceedings has been filed at Pune by the husband of the applicant.

3. Learned counsel for the applicant submits that the applicant is unable to travel as she has no source of income and is dependent upon her parents for livelihood. The distance between Pune and Pandharpur is around 250 kms. which would take considerable time of period. He accordingly submits that the application be made absolute.

4. None appeared for the Respondent though served.

5. The law with respect to transfer of proceedings, particularly matrimonial disputes, is no longer *res-integra*. The ratio laid down by the Hon'ble Supreme Court in the cases of ***Sumita Singh v. Kumar Sanjay reported in (2001) 10 SCC 41 : AIR 2002 SC 396*** and ***N.C.V. Aishwarya v. A. S. Saravana Karthik Sha reported in 2022 SCC OnLine 1199*** that in matrimonial disputes, it is the convenience of the wife which is preferred over the convenience of the husband while considering the transfer of a case from one Court to another. In view of the above, I am inclined to allow this application and pass the following order;

(i) Application is allowed in terms of prayer clauses (a) and (b).

(ii) The proceedings and application made in M.P. No.622/2021 pending before the Civil Judge, Senior Division, Pune be stayed pending transfer; and be transferred to Pandharpur.

(iii) The Registry shall forward a copy of this order to the Civil Judge, Senior Division, Pune, with instructions to forthwith transmit all the records of M.P No.622/2021 between the Respondent and Applicant to Pandharpur preferably within 4 weeks from the receipt of this order.

(iv) The Civil Judge, Senior Division, Pune shall on receipt of the records of M.P. No.622/2021, fix a date preferably within 3 weeks and issue notice to the parties for proceeding with the matter.

(v) All concerned to act on the authenticated copy of this order.

(KAMAL KHATA, J.)