

VRJ

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

MISCELLANEOUS CIVIL APPLICATION NO.90 OF 2022

Nita Mandar Manugade ... Applicant
V/s.
Mandar Mahadeo Manugade & Ors. ... Respondents

**WITH
MISCELLANEOUS CIVIL APPLICATION NO.317 OF 2022**

Mandar Mahadeo Manugade & Ors. ... Applicants
V/s.
Nita Mandar Manugade ... Respondent

Mr. Purushottam G. Chavan for the applicant.

Mr. Bhooshan R. Mandlik for the applicant in
MCA/317/2022.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 13, 2023

RC.:

- 1.** Since both the applications are seeking similar prayer, both the applications are being disposed of by the common order.
- 2.** Miscellaneous Civil Application No.90 of 2022 has been filed by the wife to transfer the proceedings pending before the Family Court, Kolhapur to the Family Court, Satara.
- 3.** Miscellaneous Civil Application No.317 of 2022 has been

filed by the husband to transfer of the proceedings pending at Satara to the Court in Kolhapur.

4. The marriage between the applicant and opponent/wife was solemnized on 29th November, 2018. The respondent/husband filed Hindu Marriage Petition No.61 of 2021 under section 31-A of the Hindu Marriage Act, 1955 before the learned Family Court, Kolhapur. The wife, thereafter, filed Criminal Miscellaneous Application No.653 of 2021 under the provisions of the Protection of Women from Domestic Violence Act, 2005 before the learned Chief Judicial Magistrate, Satara.

5. The wife has, therefore, filed application to transfer the proceedings pending at Kolhapur to Satara. According to the applicant/wife, she is residing at her parental house and is at the mercy of her old aged retired father. The parents of applicant have no means of income and it is impossible for her to bear traveling expenses from Satara to Kolhapur. It is stated that it will be convenient for the wife to attend proceedings at Satara.

6. The husband has filed application for transfer of the proceedings mainly on the ground that he is suffering from migraine. The application filed by him before the learned Court in Kolhapur was prior in point of time and it will be convenient for the husband to attend proceedings in Kolhapur.

7. Taking into consideration the reasons stated by the wife, in my opinion, it is well settled that the convenience of the wife needs to be considered in preference to the convenience of the husband.

8. In that view of the matter, Miscellaneous Civil Application No.90 of 2022 is allowed and Miscellaneous Civil Application No.317 of 2022 is rejected. No costs.

(AMIT BORKAR, J.)