

Ghuge

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

MISCELLANEOUS CIVIL APPLICATION NO.177 OF 2022

Prabjyot Kaur Panesar (Wife)	... Applicant
V/s.	
Prabjyot Sing Sikka (Husband)	... Respondent

Ms. Yogita Deshmukh Chitnis for the applicant.

Mr. Rahul Shelke for the respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 20, 2023

PC.:

1. The application is filed by wife for transfer of Marriage Petition bearing PA No.2627 of 2021 filed before the Hon'ble Family Court, Pune to Family Court Bandra, Mumbai.

2. Marriage between the applicant and respondent took place on 28th February, 2020. Due to their matrimonial differences the applicant filed First Information Report before the Dahisar Police Station, Mumbai. The husband also filed proceedings bearing No.2627 of 2021 before the Family Court, Pune. The case under the provisions of Domestic violence Act, 2005 is pending before the learned Metropolitan Magistrates, 26th Court, Borivali, Mumbai. The applicant has, therefore, filed present application seeking transfer of the proceeding from Hon'ble Family Court, Pune to Family Court Bandra, Mumbai.

3. The applicant has stated on oath that the distance between Dahisar to Pune Family Court is around 191.4 kilometers, it takes journey about 04:00 hrs. 20 minutes. Considering the time involved in travelling for attending the proceedings of the Court, the applicant is required to spend entire day and considering the health of her parents it is not possible for her to stay outside from her house for long time.

4. *Per contra*, the husband states that the husband is bearing expenses of traveling. The applicant she is doing various project in various parts of India as per the instagram updates. The said facts is denied by the wife.

5. Since the applicant is residing at Dahisar, Mumbai it would be convenient for the wife that proceeding at Family Court, Pune needs to be transfer to the Family Court, Mumbai.

6. The application is, therefore, allowed in terms of prayer clause (A);

7. Considering the fact that the respondent is working in Pune, the respondent husband is at liberty to file appropriate application before the learned Magistrate for exemption from appearance. If, such application is filed and the application shall be decided in accordance with law.

(AMIT BORKAR, J.)