

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

MISCELLANEOUS CIVIL APPLICATION NO. 95 OF 2023

Poonam Chauhan
Applicant

..

v/s.

Praveen Suryabham Singh

.. Respondent

...

Mr. Yogendra M. Kanchan i/b. YMK Legal for the Applicant.

Mr. Apoorv V. Singh for the Respondent.

...

CORAM : KAMAL KHATA, J.

DATED : 12TH JULY 2023.

P.C. :

1. This Miscellaneous Civil Application is filed by the Applicant wife under section 24 of the Civil Procedure Code 1908, for transfer of Marriage Petition no.96/2019 filed by the Respondent husband from 2nd Civil Judge Senior Division, Panvel, Navi Mumbai to Family Court, Bandra, Mumbai.
2. The Applicant's case is that the marriage took place on 29th April, 2016 at Mumbai. They have no issues out of wedlock. Respondent filed a petition for divorce at Civil Judge, Senior Division, Panvel under Section 13(1)(ia) and (ib) bearing Marriage Petition no.96/2019.

3. Learned counsel for the applicant submits that the applicant is working and she has no one else to take care of her. It would be very difficult to travel and attend the court leaving her job. On the other hand, the respondent is well placed and would not have any inconvenience to travel. He accordingly submits that the application be made absolute.
4. 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).

(ii) The proceedings and application made in M.P. No.96/2019 pending before Civil Judge, Senior Division, Panvel be stayed pending transfer; and be transferred to Family Court, Bandra, Mumbai.

(iii) The transfer may be effected within a period of four weeks and upon receipt of the papers and proceedings the Family Court, Bandra, shall give notice to the parties, preferably within three weeks, to proceed with their respective matters.

(iv) It is clarified that the court may consider granting video conferencing facility to the respondent-husband in the event, if physical presence is not extremely essential.

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

(vi) No order as to costs.

(KAMAL KHATA, J.)