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

**MISCELLANEOUS CIVIL APPLICATION NO.239 OF 2022**

Shweta Ajitkumar Ojha ... Applicant

**V/s.**

Ajitkumar Birendranath Ojha ... Respondent

**WITH**

**MISCELLANEOUS CIVIL APPLICATION NO.482 OF 2022**

Ajitkumar Birendranath Ojha ... Applicant

**V/s.**

Shweta Ajitkumar Ojha ... Respondent

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Mr. M.J. Bhatt for the applicant in MCA/239/2022 &  
for the respondent in MCA/482/2022.

Ms. Simran Sakunia with Mr. Rutwij Bhatia i/by Vis  
Legis Law Practice for the applicant in MCA/482/2022  
& for the respondent in MCA/239/2022.

**CORAM : AMIT BORKAR, J.**

**DATED : JANUARY 19, 2023**

**PC.:**

**1.** Miscellaneous Civil Application No.239 of 2022 is filed by the wife. Miscellaneous Civil Application No.482 of 2022 is filed by the husband.

**2.** On 25<sup>th</sup> May 2010 petitioner in MCA/239/2022 (wife) got married with the respondent. Due to differences between the petitioner and respondent, respondent filed petition for restitution of conjugal rights bearing Petition No.A-216 of 2022. On 16<sup>th</sup> April

2022 the wife Petition (St.) No.492 of 2022 under Section 125 of the Criminal Procedure Code, 1973. Wife has, therefore, filed miscellaneous civil application for transfer of proceedings pending before the Family Court at Bandra to the Family Court at Thane. The husband has filed Miscellaneous Civil Application No.482 of 2022 seeking transfer of proceedings from the Family Court at Thane to the Family Court at Bandra.

**3.** The cause-title of the application filed by the husband shows that he is residing in Mulund. The wife is residing in Thane. Merely because husband is working at Goregaon, it would not entitle him to seek transfer of proceedings from Thane to Bandra as the distance between Mulund and Thane is lesser than the distance between Mulund to Bandra.

**4.** Considering the location of both the sides, it would be convenient to both the parties to attend proceedings in Family Court at Thane.

**5.** Miscellaneous Civil Application No.239 of 2022 is allowed in terms of prayer clause (a). No costs.

**6.** Miscellaneous Civil Application No.482 of 2022 is rejected. No costs.

**(AMIT BORKAR, J.)**