

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

MISCELLANEOUS CIVIL APPLICATION NO. 1 OF 2023

Mrs. Jayprabha Sachin Patil	.. Applicant
v/s.	
Sachin Vishvas Patil	.. Respondent

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Mr. Shubham Kadam i/b. Vishal Kolekar for the applicant.

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CORAM : KAMAL KHATA, J.

DATED : 14TH JUNE 2023.

P.C. :

1. Heard learned counsel for the applicant. The present application is for transfer of Marriage Petition no.A-520/2022 from Family Court, Pune to Additional District Court, Karad.

2. The applicant's case is that the marriage took place at Karad, Satara on 11th February 2018. Out of said wedlock, the applicant gave birth to a baby boy on 24th November 2020 but unfortunately expired on 28th October 2021. On account of marital discord, the applicant is staying separately since 2020. She has been residing with her

parents. The applicant has filed proceedings before the J.M.F.C. Court, Patan. On the other hand, the respondent has filed a Marriage Petition No.A-520/2022 for Restitution of Conjugal Rights at Family Court, Pune.

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. Besides her father is suffering from Brain Tumor and his body is paralyzed and needs to be taken care of. The distance between Karad and Pune is around 180 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 clause (B).

(ii) The proceedings and application made in M.P. No.A-520/2022 pending before Family Court, Pune be stayed pending transfer; and be transferred to the Family Court, Pune to District Court, Karad.

(iii) The Registry shall forward a copy of this order to the Family Court Pune, with instructions to forthwith transmit all the records of M.P No.A-520/2022 between the Respondent and Applicant to the District Court, Karad preferably within 4 weeks from the receipt of this order.

(iv) The Family Court, Pune shall on receipt of the records of M.P. No.A-520/2022, 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.)