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

**MISCELLANEOUS CIVIL APPLICATION NO.207 OF 2021
WITH
MISCELLANEOUS CIVIL APPLICATION (ST) NO.21357 OF 2021**

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Swati Nilesh Chavhan

... Applicant

V/s.

Nilesh Vijay Chavhan

... Respondent

Mr. Ganesh Bhujbal for the applicant.

Mr. Aashish Satpute for the respondent.

CORAM : AMIT BORKAR, J.

DATED : MARCH 3, 2023

P.C.:

1. Miscellaneous Civil Application No.207 of 2021 has been filed by the wife for transfer of Marriage Petition No.152 of 2020 pending before the Civil Judge Senior Division, Bhusawal to Civil Judge Senior Division, Thane. Miscellaneous Civil Application (St.) No.21357 of 2021 has been filed by the wife for transfer of Civil Miscellaneous Application No.40 of 2021 pending before Civil Judge Senior Division, Bhusawal to the Civil Judge Senior Division, Thane.

2. The marriage between applicant and respondent took place on 27th November 2011. Out of said wedlock, parties are having a son born on 17th November 2012.

3. Due to matrimonial differences between the parties, the respondent has filed Hindu Marriage Petition No.152 of 2020 seeking decree for divorce on the ground of cruelty. The respondent has also filed Civil Miscellaneous Application No.40 of 2021 for custody of minor child.
4. The applicant has, therefore, filed these miscellaneous civil applications seeking transfer of both the proceedings.
5. Learned advocate for the husband submitted that he is ready to bear expenses of the applicant for her travel from Thane to Bhusawal.
6. Having heard advocates for parties, it needs to be noted that the distance between Bhusawal and Belapur, where the applicant stays is around 450 kms. The train journey from Bhusawal to Thane is around six (6) hours. Moreover, the applicant needs to take care of her child as the custody of the minor son is with the applicant. Willingness to pay travel expenses by itself is no ground to deny right of wife to seek transfer on the ground of inconvenience caused.
7. Considering the distance between Bhusawal and Thane and custody of minor child is with the applicant, the applicant has made out a case for transfer.
8. Both the miscellaneous civil applications are allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)