

AGK

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

MISCELLANEOUS CIVIL APPLICATION NO.390 OF 2022

Kalyani Ameya Rokde

... Applicant

V/s.

Ameya Arvind Rokde

... Respondent

Mr. S.T. Pandey with Mr. Arvind Singh, Ms. Kajal Upadhyay, Ms. Ritu Singh, Mr. Anuj Singh, Ms. Angela Singha and Anima Mishra i/by SBG Law Associate for the applicant.

Mr. Kamlesh P. Mali for the respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 19, 2023

P.C.:

1. The miscellaneous civil application is filed by the wife seeking transfer of proceedings from the Court in Pune to the Family Court, Nashik.

2. The applicant and respondent got married in the year 2005. On 13th October 2010, the applicant gave birth to a daughter. Due to differences between the applicant and the opponent, applicant filed complaint under the provisions of the Protection of Women from Domestic Violence Act, 2005 before learned Judicial Magistrate First Class, Nashik. On 29th June 2022 the respondent filed application for restitution of conjugal rights.

3. The applicant has, therefore, filed present miscellaneous civil application seeking transfer of proceedings from the Court in Pune to the Court in Nashik, mainly on the ground that the applicant is residing with her ailing father. She needs to take care of her father and also the school going daughter. The distance between Pune and Nashik is around 220 kms. and, therefore, it would be inconvenient for the wife to attend the proceedings in *Pune*.
4. The respondent opposed the application by stating that the father of the respondent is also ailing and there is no other person to take care of his ailing father.
5. Having considered the submissions made on behalf of both the sides, the applicant being wife, it would be inconvenient for the wife to attend proceedings before the Court in *Pune*.
6. For the reasons stated above, in my opinion, the applicant has made out a case for transfer of proceedings.
7. The miscellaneous civil application is allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)

Note: This order is modified as per order dated 23rd January 2023. The corrections in paragraphs 2 & 5 are shown in italicize.