

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

MISCELLANEOUS CIVIL APPLICATION NO. 17 OF 2023

Chaya Shyam Mathure	.. Applicant
v/s.	
Sham Ramlal Mathure	.. Respondent

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Ms. Vandana Bait a/w Mr. Amey Deshpande for the applicant.

Mr. Pratik Kalantri a/w Amit Icham for the respondent.

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CORAM : KAMAL KHATA, J.

DATED : 14TH JUNE 2023.

P.C. :

1. This is application is for seeking transfer of the Marriage Petition bearing H.M.P. No.674 of 2021 from Family Court, Nashik to Civil Court, Senior Division, Kalyan.
2. It is stated that the applicant has been staying with her parents. Learned counsel for the applicant states that she is unable to travel as she has no source of income as well as she had a minor daughter to take care of her. The distance between Dombivali to Nashik is almost 286 kms which would cause her inconvenience and expenses, besides she may have to take care of expenses of her cousin as she is not able

to travel alone that would also caused her additional financial burden.

3. In view of the settled law laid down by the Supreme Court in *NCV Aishwarya v A S Saravana Karthik Sha reported in 2022 SCC OnLine 1199*, where the apex court has held that the convenience of the wife has to be preferred over the husband while considering transfer, ad-interim relief in terms of prayer clause (a) is granted, till the next date.

4. In view thereof, I pass the following order;

1. The proceedings and application made in M.P. No.674 of 2022 pending before Family Court, Nashik, be stayed pending transfer; and be transferred to the Civil Court Senior Division, Kalyan.

2. The Registry shall forward a copy of this order to the Family Court, Nashik, with instructions to forthwith transmit all the records of M.P No.674 of 2022 between the Respondent and Applicant to the Civil Court, Senior Division, Kalyan, preferably within 4 weeks from the receipt of this order.

3. The Civil Court, Senior Division, Kalyan, shall on receipt of the records of M.P. No. 674 of 2021, fix a date

preferably within 3 weeks and issue notice to the parties for proceeding with the matter.

4. All concerned to act on the authenticated copy of this order.

(KAMAL KHATA, J.)