

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

MISCELLANEOUS CIVIL APPLICATION NO.140 OF 2022

Preeti Santosh Katake Applicant

V/s.

Santosh Vithal Katake Respondent

Mr.Samit A. Kumbhakoni, for the Applicant.

Mr.Govind B. Solanke, for the Respondent.

CORAM : ARUN R. PEDNEKER, J.

DATE : 13th JUNE 2024

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. Heard learned counsel for the parties.

2. The present Application is seeking transfer of proceedings filed by the Respondent-Husband at Panvel under Section 9 of the Hindu Marriage Act, 1955.

3. It is contention of the Applicant that wife has custody of the four years daughter and she is staying with her parents at Solapur, which is around 370 km from Panvel. She submits that the proceedings filed by the Respondent-Husband at Panvel be transferred to Solapur as it is inconvenient for her to travel to

Panvel. She further submits that Respondent-Husband is working with New India Insurance Company and he is getting proper salary and he can attend the Court Proceedings, at Solapur

4. Per contra, the learned counsel for the Respondent-Husband submits that the D.V. Proceedings filed at Solapur is only as a counterblast to the proceedings filed under Section 9 of the Hindu Marriage Act. He submits that, as per willingness of wife the parties had moved to Panvel from Kurla and that, since, then the family was residing at Panvel and the proceedings are also filed at Panvel, and as such, he submits that proceedings should not be transferred to Solapur.

5. I have heard the learned counsel for the parties and taking into consideration the convenience of the wife, more particularly that she has custody of the four years daughter proceeding from Panvel Court is transferred to Solapur Court. On transfer the Court at Solapur would also permit the Respondent-husband to appear through Video Conferencing whenever possible. After the proceedings had transferred the Applicant-Wife would not seeks any unnecessary adjournment in

the matter. In any event, if she seeks adjournment, she has to intimate the husband well in advance to avoid inconvenience to the Respondent-husband to travel to Solapur.

6. With the above observations, the Application is allowed in terms of prayer Clause (b).

(ARUN R. PEDNEKER, J.)