

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 197 OF 2023

Megha Ramkrushna Babar ... Applicant

Versus

Ramkrushna Kuber Babar ... Respondent

Ms. Siddhi Patil a/w. Mr. Shankar Katkar i/b. Ms. Manisha Devkar,
Advocate for the Applicant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd MARCH, 2024.

P.C. :

1. By this application, applicant is seeking transfer of Divorce Petition filed by the respondent pending before the Family Court at Nashik to Civil Judge Senior Division (C.J.S.D.) at Pandharpur.

2. It is contention of learned counsel for the applicant that applicant stays with her old aged parents at Pandharpur. She has filed proceedings under Domestic Violence Act and under Section 125 of Cr.P.C. Act against the respondent which are pending before the C.J.S.D. at Pandharpur. The respondent attends court dates in the said proceedings. The distance between the Pandharpur to Nashik is more than 400 km. Applicant is finding it difficult to attend the Court dates at Nashik. Hence requested to allow the application.

3. Though respondent is served, none present for the respondent. Sufficient chances are given to the respondent to appear before the Court.

Today also respondent is absent. Hence I am deciding this application on merits. Applicant stays with her parents at Pandharpur. In the proceedings filed by her, respondent attends Court dates at Pandharpur. The distance between Pandharpur to Nashik is more than 400 km. The applicant is finding difficult to attend the Court dates at Nashik. It is settled principle of law that convenience of wife has to be considered in case of transfer petition.

4. In view of the above, I pass following order:

ORDER

- i. The application is allowed.
- ii. Marriage Petition No. A 625 of 2022 pending before the Family Court at Nashik be transferred to C.J.S.D. Pandharpur.
- iii. Both the parties to appear before the concerned Court at Pandharpur on 22nd April, 2024.
- iv. The respondent can file application before the concerned Court for appearance through video conferencing. The concerned Court shall decide the said application on its own merits.

5. The application is disposed of.

(SHIVKUMAR DIGE, J.)