



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 353 OF 2024

Mrs Manisha Madhav Jadhav

...Applicant

vs.

Mr Madhav Vijay Jadhav

...Respondent

Mr. Vaibhav R. Gaikwad a/w Ms. Samruddhi Tiwate	Advocate for the Applicant
Mr. D. Banerjee i/by Ms. Sapna Rachure	Advocate for the Respondent

CORAM : S. M. MODAK, J.

DATE : 25th OCTOBER 2024

P. C. :-

1. Heard learned Advocate Shri Gaikwad for the Applicant-wife.
2. She wants transfer of the marriage petition filed by the Respondent-Husband from the C.J.S.D. Ichalkaranji Court to the Civil Judge Senior Division Islampur Court. The reason is she has filed domestic violence case before the JMFC Court, Shirala.
3. Affidavit-in-reply filed by the Respondent-Husband is taken on record. He is opposing for transfer for three reasons:-
 - a) This right is exercised at belated stage.
 - b) He has already completed his evidence before the Ichalkaranji Court.

c) The DV case is not pending before the Ichalkaranji Court but it is at Shirala Court.

4. Learned Advocate Shri Gaikwad tried his level best to convince me justifying prayer for transfer. His contention is two folds:-

(a) The Petition at Ichalkaranji Court now reached to the stage of adducing her evidence. Earlier she was not attending, it will be inconvenient to her to travel to Ichalkaranji.

(b) The husband is all together attending Shirala Court for DV case.

5. It is true that convenience of the wife is paramount consideration, but the issue is when such right is exercised. The petition is pending since 2017. She might not have attended on each and every date, but she was very much aware that she is required to give her evidence before that Court.

6. Hence, I am not in favour of the transfer. She can attend the Ichalkaranji Court for giving of evidence and later on, she may continue to appear through her learned Advocate as this practice is followed up by the wife earlier.

7. With these observations, Misc. Civil Application is rejected.

[S. M. MODAK, J.]