

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 20 OF 2024

Radika Sachin Sadolkar

... Applicant

Versus

Sachin Balakrishna Sadolkar

... Respondent

.....

Mr. Sagar Joshi, Advocate for the Applicant.

Mr. Paras Yadav, Advocate for Respondent.

.....

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th MARCH, 2024.**P.C. :**

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. Learned counsel for the respondent tendered affidavit in reply. The same is taken on record.
3. By this application, the applicant is seeking transfer of Divorce Petition filed by the respondent-husband which is pending before the Family Court at Kolhapur to Family Court at Thane.
4. It is the contention of learned counsel for the applicant that applicant stays with her minor son at Thane. It is finding difficult to the applicant to attend the Court dates at Kolhapur which is more than 400

km at Kolhapur. The applicant has no source of income. By her income she barely maintains herself and her child. She has no extra source of income to travel to attend the Court dates at Kolhapur, hence, requested to allow the application.

5. Learned counsel for the respondent submits that the affidavit of examination in chief is filed before the Family Court at Kolhapur. The respondent is ready to pay the traveling expenses to the applicant. The applicant can attend the Court proceedings through video conferencing. Hence requested to reject the application.

6. I have heard both the learned counsel. The applicant stays with her minor son at Thane. She is maintaining herself and her son by her own income. The distance between Thane to Kolhapur is more than 400 km. It is finding difficult her to attend the Court dates at Kolhapur. It is settled principle of law that convenience of wife has to be considered over the husband in case of transfer petition.

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

ORDER

(i) The application is allowed.

(ii) Marriage Petition No. A-316 of 2022 pending before the Family Court at Kolhapur be transferred to Family Court at Thane. Both the parties to appear before the Family Court at Thane on

15.04.2024. Respondent can file application before the Family Court at Thane for appearance through video conferencing.

The said Court shall decide the application on its own merit.

(iii) Parties to act on an authenticated copy of this order.

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(SHIVKUMAR DIGE, J.)