

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

MISCELLANEOUS CIVIL APPLICATION NO. 24 OF 2024

Pallavi Anurag Pawar @ Pallavi
Sahebrao ShindeApplicant

Versus

Anurag Suresh PawarRespondent

WITH

MISCELLANEOUS CIVIL APPLICATION NO. 426 OF 2023

Anurag Suresh PawarApplicant

Versus

Pallavi Anurag Pawar @ Pallavi
Sahebrao ShindeRespondent

Mr. Ravi Kadam, Advocate for the Applicant in MCA/24/2024 And
Respondent in MCA/426/2023.

Mr. Sahil Morey, Advocate for the Respondent in MCA/24/2024 And
Applicant in MCA/426/2023.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th APRIL, 2024.

P.C. :

1. Heard learned counsel for the Applicant and learned
counsel for the Respondent.

2. MCA/426/2023 is filed by the Applicant/Husband for
transfer of DV proceeding pending before the Judicial Magistrate

First Class, Satara and Petition for Restitution of Conjugal Right pending before the Civil Judge, Senior Division, Satara filed by the Respondent to Family Court, Bandra.

3. In MCA/224/2024 the Applicant-wife is praying for transfer of divorce petition filed by the Respondent/Husband pending before the Family Court, Bandra to Family Court Satara.

4. It is contention of learned counsel for the Applicant/Husband that initially Applicant/Husband had filed divorce petition against the Respondent/Wife to counter it, the Respondent/Wife has filed two proceedings, which are pending at Satara. Learned counsel further submitted that if this two proceedings are transferred at Mumbai, it would be convenient for both the parties to try all matters together. Hence, requested to allow the Application.

5. It is contention of learned counsel for the Respondent/Wife that Respondent stays with her parents at Satara and her father is down with ailment of spine. Respondent has no source of income to attend the Court's date at Bandra. The distance between Mumbai to Satara is more than 300 km. It is finding difficult to Respondent to attend the Court's date at Bandra. Hence, requested

to allow the Application filed by her and reject the Application filed by her husband.

6. I have heard both learned counsel.

7. Applicant stays with her parents at Satara. The father is down with spine injury. The Respondent/Wife has no source of income. The distance between Satara to Mumbai is more than 300 km. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer of petition and, I pass following order.

ORDER

- i. MCA/24 OF 2024 is allowed and MCA/426 OF 2023 is dismissed.
- ii,. The Divorce Petition No.A-257 of 2022 pending before the Family Court, Bandra be transferred to Family Court, Satara.
- iii. The trial Court's are requested to keep dates of all matter if possible on same date.
- . The Miscellaneous Civil Application stands disposed off.

(SHIVKUMAR DIGE, J.)