

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

MISCELLANEOUS CIVIL APPLICATION NO.92 OF 2023

Mrs.Pooja Kiran Dalvi Applicant

V/s.

Kiran Narayan Dalvi Respondent

Ms.Rachana Harpale h/f Mr.Nitin P. Deshpande, for the
Applicant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 08th APRIL 2024

P.C:-

1. By this Application, the Applicant is seeking transfer of Divorce Petition No.1333 of 2022 pending before the Family Court, Pune to Civil Judge Senior Division, Ahmednagar.

2. The learned counsel for the Applicant submit that Applicant has filed D.V. Proceeding against Respondent, which is pending at Judicial Magistrate First Class, Ahmednagar. The Respondent attends Court dates in that matter. The Applicant stays with her 2 and ½ years son and old age parents at Ahmednagar. The distance between Ahmednagar to Pune is 150

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k.m. The Applicant is finding difficult to attend the Court dates at Pune. Hence, requested to allow the Application.

3. Though Respondent is served, none present for the Respondent. On the last date last, chance is given to the Respondent to go on with the matter. Today also none present for the Respondent. Hence, I am deciding this application on merit.

4. The Applicant stays with her 2 and ½ years old son and old age parents. The distance between Pune to Ahmednagar is more than 150 k.m. Considering the reasons mentioned in the Application as well as it is settled principle of law convenience of the wife has to be considered while transferring the Petition over the husband.

5. In view of above, I pass following order.

ORDER

(i) The H.M. Petition No.1333 of 2022 pending before Family Court, Pune be transferred to Civil Judge Senior Division, Ahmednagar.

(ii) Both the parties to appear before the concerned

Court on 30th April 2024.

(iii) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)