

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 32 OF 2024**

Dr. Chaitali Anand Pandhare

... Applicant

Versus

Dr. Anand Jalindar Pandhare

... Respondent

Mr. Nitesh V. Bhutekar, Advocate for the Applicant.

Mr. C. K. Bhangoji a/w. J.A.Madane, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.**DATE : 28th MARCH, 2024.****P.C. :**

1. Leave to amend forthwith.
2. By this application, applicant seeks transfer of divorce proceedings pending before the Family Court, Belapur to C.J.S.D. Barsi, District - Solapur.
3. Learned counsel for the applicant submits that applicant stays at Barsi with her parents. Applicant has filed proceeding under Domestic Violence Act, 2005, under Section 498A of Indian Penal Code and under Section 9 of Hindu Marriage Act, 1955 which are pending before the Court at C.J.S.D. Barsi. Respondent attends the Court dates in the said matters. Applicant is finding difficult to attend the Court at Belapur. Hence, requested to allow the application.

4. It is contention of learned counsel for the respondent that in the matter filed by the respondent at Belapur applicant has appeared so applicant can contest the matter at Belapur. No strong reason is given to transfer the application. Hence, requested to reject the application.

5. I have heard both the learned counsel. Applicant stays with her parents. The distance between Belapur to Barsi is more than 300 km. In the proceedings filed by the applicant respondent attends Court dates. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer petition.

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

ORDER

- i. The application is allowed.
- ii. Petition No. A-48 of 2024 pending before the Family Court, Belapur be transferred to C.J.S.D. Barsi, District-Solapur.
- iii. Both the parties to appear before the C.J.S.D. Barsi, District - Solapur on 24.04.2024.
- iv. 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.

v. The Trial Court is requested to dispose of the matter as early as possible preferably within one year.

7. The application is disposed of.

(SHIVKUMAR DIGE, J.)