

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 17 OF 2024

Vinita Nilesh Gawade @

Vinita Bharat Kerkar

....Applicant

Versus

Nilesh Mohan Gawade

....Respondent

Ms. Nikita Kamble, Advocate for the Applicant.

None present for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th JANUARY, 2024.

P.C. :

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.
2. Learned counsel for the Respondent has tendered compilation of documents across the bar, it is taken on record.
3. It is the contention of learned counsel for the Applicant that Applicant has filed proceedings under Domestic Violence Act against the Respondent-Husband, which is pending at Civil Judge Senior Division Vasai. To counter it, the Respondent/Husband has filed petition for divorce which is pending at Civil Judge Senior Division, Sindhudurg. Applicant stays with her parents at Virar. It is difficulty for her to go

to Sindhudurg for attending the Court dates hence, requested to transfer the divorce petition filed by the Respondent to Vasai Court.

4. Though the Respondent served, none present for the respondent. Hence, I am deciding this application on merit.

5. Applicant stays with her parents at Virar. She has filed proceedings under Domestic Violence Act, which is pending at Civil Judge Senior Division, Vasai. To counter it, the Respondent has filed the petition for divorce, which is pending at Sindhudurg. Sindhudurg is around 500 km away from Mumbai. It would be inconvenient for the wife to attend the Court's date at Sindhudurg. It is settled law that convenience of wife has to be considered.

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

ORDER

- i. Application is allowed.
- ii. The marriage petition no. 111 of 2022 pending before Civil Judge Senior Division, Sindhudurg be transferred to Civil Judge Senior Division, Vasai.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)