

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.144 OF 2023

Alka Prashant Gajabe @ Alka SahuApplicant

V/s.

Prashant Onkar GajabeRespondents

NILAM
SANTOSH
KAMBLE

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NILAM SANTOSH
KAMBLE
Date: 2024.03.05
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Mr.Yogesh Dabke, for the Applicant.

Mr.Shrirang Katneshwarkar i/b Mr.Sunil J. Sirsat, for the
Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th JANUARY 2024

P.C:-

. Heard learned counsel for the Applicant.

2. It is contention of the learned counsel for the Applicant that, the Applicant has filed proceedings under the D.V. Act, which is pending at JMFC, Ulhasnagar when Applicant was staying at Ulhasnagar, but now the Applicant stays at Bandra. The Respondent-Husband has filed Divorce Petition against the Applicant, which is pending at C.J.S.D., Kalyan.

3. The learned counsel further submitted that both Applicant and Respondent works in the same Office, which is situated at Bandra. The Applicant stays with her son. The Applicant is finding difficult to attend the Court dates at Ulhasnagar and Kalyan. Hence D.V. Proceeding before J.M.F.C., Ulhasnagar and Divorce Petition pending before C.J.S.D., Kalyan, be transferred to Metropolitan Court, Bandra and Family Court, Bandra. Hence, requested to allow the Application.

4. The learned counsel for the Respondent submits that, the Respondent stays with his old age mother. It will be difficult for the Respondent to attend the Court date's at Bandra. Hence, requested to reject the Application.

5. I have heard both learned counsel.

6. The Applicant and Respondent are working in the same Office which is situated at Bandra. The Applicant stays with her son at Bandra. She is finding difficult to attend the Office work and attend the Court date's at Kalyan and Ulhasnagar. It is settled principal of law convenience of the wife has to be considered while transferring the Petition.

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

ORDER

- (i) The Miscellaneous Civil Application No.13 of 2020 pending at JMFC, Ulhasnagar be transferred to Metropolitan Court, Bandra.
- (ii) The Marriage Petition No.92 of 2018 pending at District Judge, Kalyan be transferred to Family Court, Bandra.
- (iii) Both the parties to appear before the concerned Court on 14th February 2024.
- (iv) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)