

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

**MISCELLANEOUS CIVIL APPLICATION NO. 64 OF 2023**

Sayali Lalit Naik Alias  
Amruta Nitin Joshi

....Applicant

**Versus**

Lalit Uday Naik

....Respondent

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Mr. Amol B. Jagtap, Advocate for the Applicant.

Ms. Vrushali Maindad a/w Adv. Shaheen Kapadia, Advocate for the Respondent.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 2<sup>nd</sup> APRIL, 2024.**

**P.C. :**

1. By this application, Applicant is praying for transfer of marriage petition pending before the Family Court, Thane to Family Court, Pune.

2. It is contention of learned counsel for the Applicant that Applicant stays at Pune with her minor child. Earlier Respondent had filed divorce petition before the Family Court, Pune, which is dismissed for default. Now, the Respondent has filed petition for Restitution of Conjugal Rights, which is pending before the Family

Court, Thane. Applicant is finding difficult to attend the Court's date at Thane. Hence, requested to allow the Application.

3. Learned counsel for the Respondent submits that Respondent stays with his old age parents. It will be difficult for the Respondent travel to Pune. Learned counsel further submitted that if this Court inclined to allow the application, the Respondent be permitted to appear through video conferencing.

4. I have heard both learned counsel.

5. Applicant stays with minor child at Pune. Earlier Respondent had filed divorce petition before the Family Court, Pune, which is dismissed for default. Applicant is finding difficult to attend the Court's date at Thane. 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 above, I pass following order.

### **ORDER**

- i. Application is allowed.
- ii. The marriage petition No. A-560 of 2022 pending before the Family Court, Thane be transferred to Family Court, Pune.

- iii. The Respondent can file application for appearance through video conferencing before the concern Court. The concern Court shall decide the said Application on its own merit.
- iv. Both parties to appear before the Family Court, Pune on 25<sup>th</sup> April, 2024.
- . The Miscellaneous Civil Application stands disposed of.

(SHIVKUMAR DIGE, J.)