

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 112 OF 2024**

Priyanka Vishwas Sapkal

... Applicant

Versus

Vishwas Shankar Sapkal

... Respondent

.....

Mr. Anup Kamble i/b. Mr. Gaurav Nankar and Mr. Aditya Raktade,
Advocate for the Applicant.

Mr. Vishwas S. Sapkal, Respondent present-in-person.

CORAM : SHIVKUMAR DIGE, J.**DATE : 23rd APRIL, 2024.****P. C. :**

1. Leave to amend forthwith.
2. By this application, applicant is seeking transfer of Petition for restitution of conjugal rights filed by the respondent pending before C.J.S.D. Panvel to C.J.S.D., Kolhapur.
3. It is contention of learned counsel for the applicant that applicant stays with her two year old child at Panhala, District - Kolhapur. Applicant has no source of income. The distance between Panhala to Panvel is 300 km. Applicant finding it difficult to attend the Court dates at Panvel, hence requested to allow the application.
4. Respondent personally present before the Court. This Court enquired with him about the transfer of proceeding, he submits that he

had earlier filed Petition for restitution of conjugal right thereafter to counter it, applicant has filed D.V. proceeding at Kolhapur but he has no financial condition to attend the Court dates at Kolhapur. Hence, requested to reject the application.

5. I have heard learned counsel for the applicant and respondent present in person. Applicant stays with two year old child at Panhala, District-Kolhapur. The distance between Kolhapur to Panvel is 300 km. The applicant has no source of income. She is finding difficult to attend the Court dates at Panvel. It is settled law that convenience of wife should be taken into consideration while deciding the transfer Petition.

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

ORDER

- i. The Application is allowed.
- ii. Marriage Petition No. 502 of 2023 pending before the C.J.S.D. Panvel be transferred to C.J.S.D., Kolhapur..

7. The application is disposed of.

(SHIVKUMAR DIGE, J.)