

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

**MISCELLANEOUS CIVIL APPLICATION NO. 107 OF 2024**

Mrs Smita Mahesh Patil @  
Smita Sambhaji Deshmukh

...Applicant

**Versus**

Mr Mahesh Shivaji Patil

...Respondent

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Mr. Om Latpate i/b Mr. Kuldeep Nikam, Advocate for the Applicant.  
Ms. Sakshi S. Kadam i/b Mr. Kedar J. Patil, Advocate for the  
Respondent.

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 8<sup>th</sup> MAY, 2024.**

**P.C. :**

1. By this application, Applicant is seeking of transfer of Restitution of Conjugal Right Petition pending before the Civil Judge, Senior Division, Kalyan to Family Court, Sangli.
2. It is contention of learned counsel for the Applicant that Applicant stays at Sangli with her minor daughter and old age parents. Applicant is doing temporary job at Sangli. The distance between Sangli to Kalyan is more than 400 km. Applicant is finding difficult to attend the Court's date at Kalyan. Hence, requested to

allow the Application.

3. Learned counsel for the Respondent submits that Respondent is suffering from blood pressure. Respondent is ready to pay travel expenses to the Applicant. Learned counsel further submitted that Respondent stays with old age mother and son. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Applicant stays with her minor daughter and old age parents at Sangli. She does temporary work at Sangli. The distance is between Sangli to Kalyan is more than 400 km. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer petition and, I pass following order:

### **ORDER**

- i. Application is allowed.
- ii. The Marriage Petition No.568 of 2023 pending before the Civil Judge, Senior Division, Kalyan be transferred to Family Court, Sangli.
- . The Miscellaneous Civil Application stands disposed of.

**(SHIVKUMAR DIGE, J.)**