

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

MISCELLANEOUS CIVIL APPLICATION NO. 97 OF 2023

Manisha Dayanand Pise

....Applicant

Versus

Dayanand Shashikant Pise

....Respondent

Ms. Bhagyashri Mangale, Advocate for the Applicant.

Ms. Indira Labde, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st MARCH, 2024.

P.C. :

1. By this application, Applicant is seeking transfer of divorce proceeding filed by the Respondent – Husband, which is pending before the Family Court, Bandra to Family Court, Pune.

2. It is contention of learned counsel for the Applicant that Applicant stays at Pune. She is single lady and lives in hostel. She is finding difficult to attend the Court's date at Family Court, Bandra. Learned counsel further submitted that Applicant has filed proceeding under D. V. Act against the Husband, which is pending before the Judicial Magistrate First Class Court, Pune. The Respondent is

attending the dates in that matter at Pune. Hence, requested to Allow the Application.

3. Learned counsel for the Respondent submits that Respondent is working in Brihanmumbai Municipal Corporation. Due to the ensuing the Election, Respondent may not attend the Court dates at Family Court, Pune. Learned counsel further submitted that the mother of Respondent is suffering from HIV. The Respondent has to take care of his mother. Learned counsel further submitted that if this Court inclined to transfer the divorce proceeding at Family Court, Pune, the both Court be directed to keep the dates of both proceedings on the same date. It would be convenient to the Respondent and Respondent may be permitted to appear through video conferencing.

4. I have heard both learned counsel.

5. Applicant stays at Pune. In the D.V. proceeding filed by the Applicant, the Respondent attend the Court's dates. It is settled principle of law that in transfer petition convenience of the wife has to be considered over the husband.

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

ORDER

- i. Application is allowed.
 - ii. The marriage petition No.2734 of 2021 pending before the Family Court, Bandra be transferred to family Court Pune.
 - iii. The trial Courts are requested to keep the dates of both proceeding i.e. under the D.V. proceeding and divorce proceedings on same date, if possible.
 - iv. The Respondent can file application before the concerned Court for appearance through video conferencing. The said Court shall decide the said application on its own merit.
 - v. Both parties to appear before the concern court on 8th April, 2024.
6. The Miscellaneous Civil Application stand disposed of.

(SHIVKUMAR DIGE, J.)