

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 129 OF 2024**

Mohan Kashiram Kadam

... Applicant

Versus

Radha Mohan Kadam

... Respondent

Ms. Kenny Thakkar, Advocate for the Applicant.

Mr. Sachindra Shetye a/w. Ms. Sarika Shetye, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2024.

P.C. :

1. Heard learned counsel for the applicant.
2. Learned counsel for the respondent tendered affidavit-in-reply. The same is taken on record.
3. By this application, applicant is seeking transfer of divorce proceeding pending before the Family Court at Bandra to Family Court at Navi Mumbai.
4. It is contention of learned counsel for the applicant that applicant and respondent both stays at Navi Mumbai, it would be convenient for both the parties to attend the Court dates at Navi Mumbai. The respondent in her reply has stated that her Advocate practices at Family Court at Bandra and it is not possible for her to come to Navi Mumbai and she will not get good Advocate at Navi Mumbai, on that ground

respondent is opposing the application which is baseless. Hence, requested to allow the application.

5. It is contention of learned counsel for the respondent that marriage of the applicant and respondent was performed at Chambur. Applicant has business at Navi Mumbai. He is influential person. Applicant is comfortable to attend the Court dates at Family Court, Bandra. The distance between Navi Mumbai to Bandra is around 23 km. Hence requested to reject the application.

6. I have heard both the learned counsel. Applicant is seeking transfer on the ground that both the parties stays at Navi Mumbai whereas it is contention of respondent that she is comfortable to attend the Court dates at Family Court, Bandra. While transferring the petition there would be sound reason for transfer of the application. The distance between the Navi Mumbai to Family Court, Bandra is 23 km. Respondent is comfortable to attend the dates at Family Court, Bandra. It is settled law that convenience of wife has to be considered over the husband in case of transfer petition.

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

ORDER

(i) The application is rejected.

(SHIVKUMAR DIGE, J.)