

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

MISCELLANEOUS CIVIL APPLICATION NO. 186 OF 2023

Mrs. Monalisa Girish RathodApplicant

Versus

Mr. Girish Nimba RathodRespondent

Mr. Shivraj N. Kunchage, Advocate for the Applicant.

Mr. Kamran Shaikh a/w Mr. Sanket K. , Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th JANUARY, 2024.

SHANTANU
SHANKARSA
DHUDUM
Digitally signed
by SHANTANU
SHANKARSA
DHUDUM
Date:
2024.01.23
11:33:56 +0530

P.C. :

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.

2. Learned counsel for the Applicant submits that Applicant has filed Domestic Violence proceedings against the Respondent-Husband, which is pending at JMFC Court Pune. After filing the D.V. Proceedings, the Respondent has filed divorce petition which is pending at Family Court, Nashik. Applicant stays with her son and old age parents. Applicant is a school teacher. She is finding it difficult to attend the Court's dates at Nashik. Hence, requested to allow the

Application.

3. Learned counsel for the Respondent-Husband vehemently submits that no grounds are made out to transfer of the petition, which is pending at Nashik to Civil Judge Senior Division, Pune. Applicant is a teacher and she can attend the Court's dates at Nashik. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Applicant is a teacher whereas Respondent is a Senior Clerk in Secondary and Higher Secondary Board, Mumbai. Initially Applicant has filed the D. V. Proceedings, which is pending at JMFC Court, Pune. It appears that to counter the said proceedings the Respondent has filed divorce proceedings against the Applicant, which is pending at Family Court Nashik. Applicant stays with her son and old age parents. The distance between Nashik to Pune around 200 km one side. It is settled law that convenience of wife has to be considered at the time of deciding Application.

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

ORDER

- i. Application is allowed.
- ii. The Divorce Petition pending No. A-611 of 2022 which is pending at Family Court Nashik be transferred to Civil Judge Senior Division, Pune.
- iii. Liberty to file application before both the trial Courts to adjust dates of both proceedings on same date.

(SHIVKUMAR DIGE, J.)