

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

MISCELLANEOUS CIVIL APPLICATION NO. 128 OF 2024

Stephanie Matthew Applicant

V/s.

Matthew Alexander Respondent

Mr.Pankaj K. Kandhari, for the Applicant.

Ms.Jyoti P. Chaurasiya, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd APRIL 2024

P.C:-

1. By this Application, the Applicant is seeking transfer of Divorce Proceeding and Custody proceeding pending before the Additional Sessions Court, Panvel to Family Court, Bandra.

2. It is contention of the learned counsel for the Applicant that, the Applicant stays at Chembur with her 11 years old daughter. Her daughter is suffering from various ailments. The Applicant has under went angiography. The Applicant is finding difficult to attend the Court dates at Panvel. Hence, requested to allow the Application.

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3. The learned counsel for the Respondent strongly objected to allow the Application on the ground that ex-party orders have been passed against the Applicant. The Applicant had misbehaved with the Court staff on the ground that she wants to transfer the said proceedings from Panvel to Bandra. The Respondent stays at Ulwe. It is finding difficult to attend the Court dates at Bandra. Hence, requested to reject the Application.

4. The Applicant stays with her 11 years old daughter at Chambur. Her daughter is suffering from various ailments. The Applicant has under went angiography. Considering the reasons mentioned in the Application as well as it is settled principle of law that convenience of the wife has to be considered while transferring the Petition over the husband.

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

ORDER

(i) The Marriage Petition No.05 of 2021 and Miscellaneous Application No.12 of 2021 pending before Additional District and Sessions Court, Panvel

be transferred to Family Court at Bandra.

(ii) Both the parties to appear before the concerned Court on 9th May 2024.

(iii) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)