

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 236 OF 2022

Mrs. Ruchika (Daksha) Satish PatilApplicant
Versus

Satish Prakash PatilRespondent

Mr. Sachin S. Padaye, Advocate for the Applicant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd FEBRUARY, 2024.

P.C. :

1. Heard learned counsel for the Applicant.
2. By this application, Applicant is seeking transfer of divorce petition proceeding filed by the Respondent-Husband, which is pending before the Family Court, Belapur at Navi Mumbai to Family Court, Nashik.
3. It is contention of learned counsel for the Applicant that Applicant stays at Nashik with her old age parents and minor son. The distance between Nashik to Belapur, Navi Mumbai is more than 150km. Applicant is finding difficult to attend the Court's date at Belapur. Hence, requested to allow the Application.
4. Though served Respondent, none present for the Respondent. Sufficient chances are given to the Respondent to go on with the matter.

Today also none present for the Respondent hence, I am deciding this Application on merit.

5. It is Applicant's case that Applicant stays at Nashik with her old age parents and minor son. She is finding difficult to attend the Court's dates at Belapur, Navi Mumbai. The distance between Belapur to Nashik is more than 150 km. Learned counsel further submitted that Applicant has filed Application under section 125 of Criminal Procedure Code, which is pending at Nashik. It is settled principle of law that Court has to consider convenience of wife over the husband in transfer petition.

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

ORDER

- i. Application is allowed.
 - ii. The marriage petition No. 581 of 2023, which is pending before the Family Court, Belapur be transferred to Family Court, Nashik.
 - iii. Both parties to appear before the Family Court, Nashik on 24th March, 2024.
7. The Miscellaneous Civil Application is disposed of.

(SHIVKUMAR DIGE, J.)