

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISC. CIVIL APPLICATION NO. 128 OF 2023**

Sheetal Rajul Bagrodia

... Applicant

Versus

Rajul Ramesh Bagrodia

... Respondent

.....

Mr. Mufeez Ansair i/b. Mr. Jayendra D. Khairnar, Advocate for the Applicant.

Mr. Aayush Kedia, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.**DATE : 16th JANUARY, 2024.****P.C. :**

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. Learned counsel for the applicant submits that respondent has filed Divorce Petition against the applicant which is pending at Silvassa Court. Applicant stays with her children in Pune it is inconvenient for her to go to Silvassa hence requested to transfer the Divorce Petition filed by respondent at Silvassa Court to Family Court at Pune.
3. It is the contention of learned counsel for the respondent that applicant has left the house of respondent without informing him. She has filed complaint against the respondent under Section 498-A in Silvassa which is pending. Learned counsel further submits that if this Divorce

Petition is transferred at Pune, Applicant may call father of the respondent as a witness who is suffering from Cancer and it may cause inconvenience to the father of the respondent. Learned counsel further submits that if video conferencing facility is available at Pune Court, respondent may be permitted to appear before the Family Court at Pune through video conferencing facility. The grounds mentioned in the application are false and no reasonable grounds are given for transfer of the application, hence it be rejected.

4. It is the contention of learned counsel for the applicant that respondent has filed Civil Suit against the applicant at Pune which is pending before the Civil Court, Pune.

5. I have heard both the learned counsel. The applicant stays with her children at Pune. Respondent has filed Divorce Petition which is pending in Silvassa Court, yet the proceeding of the said Petition has not been started. It is settled law that while transferring the application, convenience of the wife has to be considered. The respondent can file application before the concerned Court for appearance through video conferencing. The respondent has also filed Civil Suit against the applicant which is pending in Civil Court at Pune.

6. In view of the above, I pass following Order:

ORDER

- (i) Application is allowed.
- (ii) Marriage Petition i.e. H.M.A. Case No. 3 of 2023
pending at Silvassa Court be transferred to Family
Court, Pune.

7. The application is disposed of.

(SHIVKUMAR DIGE, J.)

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