

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.164 OF 2023**

Shubra Brijesh Palkar	...	Applicant
versus		
Brijesh Ramesh Palkar		Respondent

Ms. Kiran Jadhav i/b. Mr. Vishal Kolekar, Advocate for the Applicant.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 20th FEBRUARY, 2024.**

P.C. :

1. Heard learned counsel for the applicant.
2. By this application, the applicant is seeking transfer of divorce petition filed by respondent-husband which is pending before the Family Court at Bandra to Civil Judge, Senior Division, Mangaon, District – Raigad.
3. It is the contention of learned counsel for the applicant that the applicant stays at Roha with her parents, she is finding it difficult to attend the Court's dates at Family Court at Bandra. The applicant has filed proceeding against the respondent-husband under the provisions of Domestic Violence Act, which is pending before the Judicial Magistrate First Class, Mangaon. The respondent-husband has appeared in that matter and it is kept for evidence. Hence, requested to allow the application.

4. Though respondent is served, none present for the respondent. Sufficient chances are given to the respondent to go on with the matter. Today also, nobody is present on behalf of the respondent. Hence, I am deciding this application on merits.

5. The applicant has filed proceeding under the provisions of Domestic Violence Act against respondent – husband which is pending before the Judicial Magistrate First Class, Roha. Respondent-husband has attended the Court's dates in that matter. The respondent has filed divorce petition against the applicant, which is pending at Family Court at Bandra. The applicant is finding it difficult to attend Court's dates at Family Court at Bandra. The applicant stays with her parents at Roha. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer petition.

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

1. Application is allowed.
 2. Petition No.A-2350 of 2021 pending before the Family Court at Bandra be transferred to Civil Judge, Senior Division, Mangaon, District-Raigad.
 3. Both parties to appear before the Civil Judge, Senior Division, Mangaon, District-Raigad on 18th March 2024.
- Application stands disposed of.

(SHIVKUMAR DIGE, J.)

Note : This order is corrected in view of order dated 27th February 2024.