

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 166 OF 2023**

Dipanti Mayur Koul	... Applicant
Versus	
Mayur Dilip Koul	... Respondent

Mr. Q. S. Kapagi a/w. Mr. Manoj Pal i/b. Mr. Tanaji V. Jadhav, Advocate for the Applicant.

Mr. Vikram Shinde, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2024.

P.C. :

1. By this application, applicant is seeking transfer of divorce petition filed by the respondent pending before the C.J.S.D. Vadgaon, Maval to Family Court at Bandra.
2. It is contention of learned counsel for the applicant that applicant stays at Mumbai with old aged mother, there is no male member in the applicant's family. The distance between Mumbai to Maval is 100 km. Applicant is finding it difficult to attend the Court dates at Maval. Hence requested to allow the application.
3. It is contention of learned counsel for the respondent that respondent suffers from various ailments, he is unable to attend the Court

dates at Mumbai. Applicant can attend the Court dates at Maval as she is healthy hence requested to reject the application.

4. I have heard both the learned Court. Applicant stays with her mother. There is no male member in the applicant's family to accompany her to attend the Court dates at Maval. Respondent can file application for appearance through video conferencing if he suffers from any ailment. It is settled law that convenience of wife should be taken into consideration while deciding the transfer Petition.

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

ORDER

- i. The application is allowed.
 - ii. Petition No. 560 of 2022 pending before the C.J.S.D. Vadgaon, Maval be transferred to Family Court, Bandra.
 - iii. Respondent can file application before the Family Court at Bandra for appearance through video conferencing. The Court shall decide the said application on its own merits.
6. The application is disposed of.

(SHIVKUMAR DIGE, J.)