

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

MISCELLANEOUS CIVIL APPLICATION NO.210 OF 2023

Ashu Ashish MishraApplicant

V/s.

Ashish Kumar MishraRespondent

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KAMBLE

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Mr.Vaibhav Ugle a/w Mr.Vikas Somawanshi, for the Applicant.
Mr.Trupen Rathod a/w Mr.Devendra i/b Vivek Tiwari, for the
Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th FEBRUARY 2024

P.C:-

1. Heard learned counsel for the Applicant and learned
counsel for the Respondent.

2. The learned counsel for the Applicant submits that,
the Applicant is seeking transfer of Divorce Petition filed by
Respondent-Husband, which is pending before the Civil Judge
Senior Division, Pune to Family Court, Thane. The Applicant-
Wife staying at Thane with her four years old son and old age
parents. The Applicant is finding difficult to attend the Court
dates at Civil Judge Senior Division, Pune. Hence, requested to

allow the Application.

3. The learned counsel for the Respondent-Husband strongly objected to allow the Application on the ground that, the matter before the Civil Judge Senior Division, Pune is for evidence, yet evidence has not been started and stay has granted by this Court. The Respondent stays with his old age parents, it may not be possible for him to attend Court dates at Thane. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. The Applicant stays at Thane with her four years son and old age parents. The Applicant has filed proceedings under the provisions of the Domestic Violence Act against the Respondent-Husband before the JMFC, Thane, which is still pending. She is facing difficulty to attend the Court dates of Petition, filed by the Respondent. It is settled principal of law the Court has to consider the convenience of wife over the husband. Hence, I pass following order.

ORDER

(i) Application is allowed.

- (ii) The Marriage Petition No.611 of 2020 Civil Judge Senior Division, Pune be transferred to Family Court, Thane.
- (iii) The Respondent can file Application before the concerned Court for appearance through Video Conference. The concerned Court shall decide the said Application on its own merits.
- (iv) Both the parties to appear before the Family Court, Thane on 13th March 2024.

(SHIVKUMAR DIGE, J.)