

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.239 OF 2023**

Priyanka Rahul Kute	...	Applicant
versus		
Rahul Lahu Kute		Respondent

Mr. K. S. Shukla along with Mr. Vijayan Balakrishnan, Advocate for the Applicant.

Ms. Himalee Diwekar i/b. Mr. Gaurav Nankar, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th APRIL, 2024.

P.C. :

1. By this application, the applicant is seeking transfer of divorce petition filed by respondent-husband which is pending before the Civil Judge, Senior Division, Panvel, to Civil Judge, Senior Division, Pune.

2. It is the contention of learned counsel for the applicant that the applicant stays with her sick mother at Dighi, District Pune. The applicant's mother is under medical treatment, there is no one to look after the mother of the applicant. The applicant is finding it difficult to attend the Court's dates at Civil Judge, Senior Division, Panvel. Hence, requested to allow the application.

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This order is corrected in view of speaking to the minutes order dated 2nd May 2024.

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3. It the contention of learned counsel for the respondent that earlier the applicant was working at Gansholi, the applicant's uncle stays at Kamothe. The applicant is earning handsome salary, she can attend the Court's dates at Panvel. Hence, requested to reject the application.

4. Heard learned counsel for the applicant and learned counsel for the respondent.

5. The applicant stays with her sick mother at Dighi, District Pune. The applicant's mother is under medical treatment, there is no one to look after the mother of the applicant. The applicant is finding it difficult to attend the Court's dates at Civil Judge, Senior Division, Panvel. 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. HMP/678/2022 pending before the Civil Judge, Senior Division, Panvel, to Civil Judge, Senior Division, Pune.
3. Both parties to appear before the Civil Judge, Senior Division, Pune, on 29th April 2024.
4. Respondent is at liberty to file an application for appearance through video conferencing. If such application is filed, the concerned court shall decide it on its own merit.

Application stands disposed of.

(SHIVKUMAR DIGE, J.)