

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

MISCELLANEOUS CIVIL APPLICATION NO. 349 OF 2023

Nilam Ankit SargarApplicant

Versus

Ankit Shivaji SargarRespondent

Mr. Amol S. Suryawanshi, Advocate for the Applicant.

Ms. Shweta S. Bhosale a/w Ms. Sarala Shinde, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th FEBRUARY, 2024.

P.C. :

1. By this application, Applicant is seeking transfer of divorce petition filed by the Respondent/Husband, which is pending before the Civil Judge, Senior Division, Panvel to Civil Judge, Senior Division, Vita, Taluka Khanapur, Diststrict: Sangli.

2. It is contention of learned counsel for the Applicant that Applicant stays at Vita with her old age parents. She is finding difficult to attend the Court's date at Panvel. The distance between Vita to Panvel is more than 200km. Learned counsel further submitted

that the Applicant has no source of income and she is in financial difficulty. Hence, requested to allow the Application.

3. It is contention of learned counsel for the Respondent that the matter before the Civil Judge, Senior Division, Panvel is for argument. The Applicant has not filed written statement and no written statement order is passed against the Applicant. Long distance cannot be a ground to transfer the petition. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Applicant stays at Vita with her old age parents. She has no source of income and due to financial difficulty, she is unable to attend the Court's date at Panvel. The distance between Vita to Panvel is more than 200km. 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.

ORDER

- i. The application is allowed.
- ii. The marriage petition No. 170 of 2021 pending before the Civil Judge, Senior Division, Panvel be transferred to Civil Judge, Senior Division, Vita, Dist:

Sangli.

iii. Both parties to appear Civil Judge, Senior Division,

Vita, Dist: Sangli on 22nd March, 2024.

7. The Miscellaneous Civil Application is dispose of.

(SHIVKUMAR DIGE, J.)