

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 33 OF 2023**

Archana Kartik Nikam @ Archana Suryakant Shinde ... Applicant
Versus
Kartik Maruti Nikam ... Respondent

Mr. Vijay Sonawane, Advocate for the Applicant.
Mr. Sachin Deokar, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th MARCH, 2024.

P.C. :

1. By this application, applicant is seeking transfer of divorce proceeding filed by respondent from Family Court at Pune to Family Court at Bandra.
2. It is contention of learned counsel for the applicant that she is housemaid, she has no source of income. It is inconvenient her to attend the Court dates at Pune and she stays with her small child. There is no one to take care of her child. Hence, requested to allow the application.
3. Learned counsel for the respondent strongly objected to allow the application on the ground that the distance between Pune to Mumbai is 120 km. Applicant can attend Court dates at Family Court at Pune. Hence, requested to reject the application.

4. I have heard both the learned counsel. Applicant stays with her small child. She has no source of income. Applicant is finding difficult to attend the Court dates at Pune. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer petition.

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

ORDER

- i. The application is allowed.
 - ii. Marriage Petition No. A/1466/2021 pending before the Family Court at Pune be transferred to Family Court at Bandra.
 - iii. Both the parties to appear before the Family Court at Bandra on 24th April, 2024.
 - iv. Respondent can file application before the concerned Court for appearance through video conferencing. The concerned Court shall decide the said application on its own merits.
6. The application is disposed of.

(SHIVKUMAR DIGE, J.)