

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 247 OF 2023**

Saleha Amjad Khan	...	Applicant
versus		
Amjad Anwar Khan		Respondent

Mr. Ashey Cusher, Advocate for the Applicant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th MARCH, 2024.

P.C. :

1. Heard learned counsel for the applicant.
2. By this application, the applicant is seeking transfer of miscellaneous civil application filed by respondent-husband for getting custody of the child, which is pending before the District Court at Ratnagiri to the District Court at Vasai.
3. It is the contention of learned counsel for the applicant that the applicant stays at Vasai with her three year old daughter. The respondent has filed an application for getting custody of their daughter before the District Court at Ratnagiri. The applicant is finding it difficult to attend the Court's dates at Ratnagiri as the distance between Ratnagiri and Vasai is more than 300 kilometers. Hence, requested to allow the application.

4. Though respondent is served, none present for the respondent. Hence, I am deciding this application on merit.

5. The applicant stays with her three year old daughter at Vasai, she is finding it difficult to attend Court's dates at District Court at Ratnagiri as the distance between Vasai and Ratnagiri is more than 300 kilometers. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer of petition.

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

1. Application is allowed.
2. Miscellaneous Civil Application No.29 of 2023 pending before the District Court at Ratnagiri be transferred to District Court at Vasai.
3. Both parties to appear before the District Court at Vasai on 15th April 2024.

Application stands disposed of.

(SHIVKUMAR DIGE, J.)