

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

MISCELLANEOUS CIVIL APPLICATION NO. 52 OF 2023

Swati Abhijit Gaikwad

....Applicant

Versus

Abhijit Ramesh Gaikwad

....Respondent

Mr. Rohan Dilip Kaiche, Advocate for the Applicant.

Mr. Amol B. Jagtap, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd FEBRUARY, 2024.

P.C. :

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.
2. Learned counsel for the Applicant submits that Respondent/Husband has filed divorce petition against the Applicant, which is pending before Family Court, Aurangabad. Applicant stays with her two daughters and old age parents at Nashik. Applicant is finding difficulties to attend the Court dates at Aurangabad. Hence, requested to allow the Application.

3. Learned counsel for the Respondent-Husband submits that the Respondent is serving in military, at present he is posted at Ranchi. The Respondent's family stays at Aurangabad. If, the Respondent attend the Court's date at Nashik, it would be difficult for him to meet his family members at Aurangabad. Hence, requested to reject the Application.

Learned counsel further submitted that, if this Court inclined to allow the application, the Respondent be permitted to appear before the Concerned Court through Video Conferencing.

4. I have heard both learned counsel. Applicant stays with two daughter and her old age parents at Nashik. Applicant is finding difficult to attend the Court dates at Aurangabad. It is settled principle of law that while transferring the petition convenience of the wife has to be considered over husband.

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

ORDER

i. Application is allowed.

ii. The Divorce Petition No. A-67 of 2022 pending before the Family Court at Aurangabad be transferred to Family Court at Nashik.

iii. The Respondent/Husband can file application before the

Family Court at Nashik for appearance through video conferencing. The concern Court shall decide said application on its own merit.

- iv. Both parties to appear before the Family Court at Nashik on 4th March, 2024.

(SHIVKUMAR DIGE, J.)