

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.506 OF 2022

Mrs.Sujata Birajdar @ Applicant
Sujata Suryakant Nile

V/s.

Mr.Hanamant Gopalrao Birajdar Respondent

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Ms.Pooja Agrawal, for the Applicant.
Mr.Mahendra Shingde, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 7th MARCH 2024

P.C:-

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.

2. By this Application, the Applicant seeks transfer of Divorce Petition, filed by the Respondent-husband, which is pending before the Family Court, Thane.

3. It is contention of the learned counsel for the Applicant that, the Applicant stays with her 12 years old son and old age parents at Parli, District-Beed. The Applicant has filed Petition for Restitution of Conjugal Rights against Respondent,

which is pending at Civil Judge Senior Division, Ambajogai, District-Beed. Distance between Parli to Thane is more than 500 km. She is finding difficult to attend Court dates at Thane. Hence, requested to transfer the Divorce Petition filed by the Respondent to Civil Judge Senior Division, Ambajogai, District-Beed.

4. The learned counsel for the Respondent strongly objected to allow the Application on the ground that, the Applicant can attend Court dates at Thane. No sufficient reasons are given for transfer. The learned counsel further submitted that, if this Court inclined to allow the Application, the Applicant be permitted to appear through video conferencing and matter be expedited.

5. I have heard both learned counsel.

6. The Applicant stays at Parli with her son and old age parents. The distance between Parli to Thane is more than 500 km. It is settled principal of law the Court has to consider the convenience of wife over the husband. Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) The Marriage Petition No.A-1 of 2021 pending before the Family Court, Thane be transferred to Civil Judge Senior Division, Ambajogai, where the Petition of the Applicant for Restitution of Conjugal Rights is pending.
- (iii) The Respondent can file Application before the concerned Court for appearance through Video Conference. The concerned Court shall decide the said Application on its own merits.
- (iv) The Trial Court is requested to expedite the trial as early as possible.
- (v) Both the parties to appear before the Trial Court on 1st April 2024.

(SHIVKUMAR DIGE, J.)