

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

MISCELLANEOUS CIVIL APPLICATION NO.270 OF 2023

Smt. Pratiksha Chaitanya Sonawane	Applicant
Versus	
Shri. Chaitanya Harichandra Sonawane	Respondent

Digitally signed
by SHANTANU
SHANKARSA
DHUDUM
Date:
2024.02.05
15:30:16 +0530

Mr. Karan Gajra, Advocate for the Applicant.
Ms. Minal Chandnani, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th JANUARY, 2024.

P.C. :

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

2. Learned counsel for the Applicant submits that Applicant stays at Kankoli, Tal. Gangapur, Dist. Aurangabad with her parents, who are MGNRGA Worker. Applicant is dependent on the income of her parents, they are very poor. The Respondent-Husband has filed divorce petition, which is pending before Jt. Civil Judge Senior Division, Kalyan. Applicant is finding difficult to attend the Court dates at Kalyan, which is more than 265 km from the village of

Applicant. Hence, requested to allow the Application.

3. It is contention of learned counsel for the Respondent/Husband that Respondent is ready to pay travelling charges to the Applicant, if she attends the Court dates at Kalyan. Learned counsel further submitted that Applicant can appear through video conferencing before the Kalyan Court. No grounds are made out for transfer of the petition hence, requested to reject the Application.

4. I have heard both learned counsel. Applicant stays with her parents at Kankoli Tal. Gangapur, Dist-Aurangabad, the distance between Applicant's village and Kalyan is more than 265 km, Applicant's parents are poor, they work under MGNREGA Scheme. It is settled principle of law that at the time of transfer petition, the Court has to consider the convenience of the wife.

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

ORDER

- i. Application is allowed.
- ii. The Hindu Marriage Petition pending before Joint Civil

Judge Senior Division, Kalyan be transferred to Family Court, Aurangabad.

- iii. The Respondent/Husband can file application before the concern Court for appearance through video conferencing, the concern Court shall decide the said Application on its own merit.
- . Application is disposed of.

(SHIVKUMAR DIGE, J.)