

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

MISCELLANEOUS CIVIL APPLICATION NO. 487 OF 2022

Pooja Prathamesh Gaikwad

....Applicant

Versus

Prathamesh Ramesh Gaikwad

....Respondent

Mr. Raju Suryawanshi, Advocate for the Applicant.

Ms. Shraddha Vavah, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th FEBRUARY, 2024.

P.C. :

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

2. Applicant is seeking transfer of divorce petition filed by the Respondent-Husband pending before Civil Judge, Senior Division, Kalyan to Civil Judge, Senior Division, Ratnagiri.

3. Learned counsel for the Applicants submits that Applicant

stays with her old age parents at Ratnagiri. The distance between Ratnagiri to Kalyan is more than 300km. Applicant has no source of income to attend the Court's date at Kalyan. Applicant has filed proceedings under the Domestic Violence Act, 2005, which is pending at Judicial Magistrate First Class, Ratnagiri. Respondent attend the Court's dates in that matter. Hence, requested to allow the Application.

4. Learned counsel for the Respondent-Husband submits that Respondent is ready to pay travelling allowances to the Applicant, if she attend the Court's date at Kalyan. Hence, requested to reject the Application.

5. I have heard both learned counsel. The Applicant stays with her old age parents at Ratnagiri. She is finding difficult to attend the Court's date at Kalyan. The Respondent-Husband attend the Court's date at Ratnagiri in the proceedings filed by the Applicant. The distance between Ratnagiri to Kalyan is more than 300km. It is settled principle of law that while considering the transfer petition, the Court has to consider convenience of wife over husband.

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

ORDER

- i. Application is allowed.
 - ii. The marriage petition No. 994 of 2020 pending before the Civil Judge, Senior Division, Kalyan be transferred to Civil Judge, Senior Division, Ratnagiri.
 - iii. Both parties to appear before the Civil Judge, Senior Division, Ratnagiri on 18th March, 2024.
7. The Miscellaneous Civil Application is disposed of.

(SHIVKUMAR DIGE, J.)