

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 282 OF 2023**

Neha Sachin Ingle @ Miss Neha Kamalakar Khandare ... Applicant

Versus

Sachin Bhimrao Ingle ... Respondent

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Ms. Seema Raut i/b. Ms. Pooja Agrawal, Advocate for the Applicant.

Mr. Jaymangal Dhanraj a/w. Mr. Aditya Waghate, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2024.

P.C. :

1. By this application, applicant is seeking transfer of divorce petition pending before the Family Court at Aurangabad to C.J.S.D., Belapur.

2. It is contention of learned counsel for the applicant that applicant stays at Belapur with her minor child and parents. Applicant has no source of income. The distance between Belapur to Aurangabad is more than 300 km. Applicant is finding difficult to attend the Court dates at Aurangabad, hence requested to allow the application.

3. Learned counsel for the respondent submits that no sound reasons are given by the applicant for transfer of the petition. Respondent is ready to pay traveling expenses to the applicant to attend the Court dates at Aurangabad. Learned counsel for the respondent further submits that

applicant is down with the spinal injury, the doctor has advised him not to travel. When he was down with ailment, the applicant had left his company. The respondent is not in a position to travel to Belapur, hence requested to reject the application.

Learned counsel for the respondent relied on :

- (a) *Anindita Das Vs. Srijit Das (2006) 9 SCC 197 ;*
- (b) *Delma Lubna Coelho Vs. Edmond Clint Fernandes 2023 SCC OnLine SC 440.*

4. I have heard both the learned Counsel. I have gone through the case laws cited by the learned counsel for the respondent. In the present case applicant stays with her 11 year old child. She has no source of income. The applicant is finding it difficult to attend the Court dates at Aurangabad. There is no male member in her family to accompany her to attend the Court dates at Aurangabad. Hence the facts of cited case and present case are different. The distance between the Belapur to Aurangabad is more than 300 km. It is settled law that convenience of wife has to be considered over husband in case of transfer petition.

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

ORDER

- i. The application is allowed.
- ii. Petition No.A/173/2023 pending before the Family Court at Aurangabad be transfer to C.J.S.D., Belapur.

iii. The respondent can file application before the concerned Court for appearance through video conferencing. The concerned Court shall decide the said application on its own merits.

6. The application is disposed of.

(SHIVKUMAR DIGE, J.)

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