

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 283 OF 2023

Mrs. Snehal Nikhil Tuse

....Applicant

Versus

Mr. Nikhil Padmakar Tuse

....Respondent

Ms. Rajashri Karande a/w Mr. Mayur C. Sarode, Mr. Vijay More,
Advocate for the Applicant.

Mr. Chandratirth Zende, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th FEBRUARY, 2024.

P.C. :

1. By this Application, the Applicant is seeking transfer of Divorce Petition filed by Respondent/Husband which is pending before Civil Judge Senior Division, Kalyan Court, District Thane, to Civil Judge Senior Division, Shrirampur Court.

2. It is contention of learned Counsel for the Applicant that the Applicant stays at Shrirampur with her parents it is finding difficult for her to attend the Court's dates at Civil Judge Senior Division, Kalyan. The D. V. proceedings is filed by the Applicant which is pending before Civil Judge Junior Division, Shrirampur, hence, requested to allow the Application. Learned Counsel further submitted

that the Respondent/Husband at present stays in United Kingdom and his parents attend the Court's dates. He can appear through the Video Conferencing, hence requested to allow the Application.

3. It is contention of learned Counsel for the Respondent/Husband that no grounds are made out to transfer the Divorce petition pending before Civil Judge Senior Division, Kalyan to Civil Judge Senior Division, Shrirampur. The learned Counsel further submitted that the Applicant travels across the country and to London, so she can attend the Court's dates at Kalyan, hence requested to reject the Application.

4. I have heard both the learned Counsel. The Applicant stays at Shrirampur with her parents, she is finding difficult to attend the court dates at Kalyan. The Respondent/Husband stays at London he can attend the Court dates through the Video Conferencing by making the Application before the concerned Court. It is settled principal of law that, while transferring the Petition the convenience of the Wife has to be considered over Husband.

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

ORDER

a) The Application is allowed.

- b) Hindu Marriage Petition No. 700 of 2022 pending before the Civil Judge Senior Division, Kalyan District Thane, be transferred to Civil Judge Senior Division, Shrirampur.
 - c) The Respondent/Husband can file the Application before the concerned Court for appearance through the Video Conferencing. The concerned Court shall decide the said Application on its own merit.
 - d) Both the parties to appear before the concerned Court on 5th March 2024.
6. The Miscellaneous Civil Application is disposed of.

(SHIVKUMAR DIGE, J.)