

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

MISCELLANEOUS CIVIL APPLICATION NO. 289 OF 2023

Priyanka Sameer Nikam

....Applicant

Versus

Sameer Vishwas Nikam

....Respondent

Mr. Yogendra M. Kanchan i/b YMK Legal, Advocate for the Applicant.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 14th MARCH, 2024.

P.C. :

1. By this Application, Applicant is seeking transfer of divorce petition filed by the Respondent/Husband which is pending before the Family Court, Nashik to Family Court, Bandra, Mumbai.
2. Learned counsel for the Applicant submits that Applicant stays with her three years old daughter at Bandra, Mumbai. She is finding difficult to attend the Court's date at Nashik. The distance between Nashik to Mumbai is more than 150 km. Hence, requested to allow the Application.
3. Though Respondent served, none present for the

Respondent. Sufficient chances are given to the Respondent to go on with the matter hence, I am deciding this matter on merit.

4. I have heard learned counsel for the Applicant. Applicant stays with her 3 years old daughter at Bandra, Mumbai. The distance between Mumbai to Nashik is more than 150 km. Applicant is finding difficult to attend the Court's date at Nashik. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer petition.

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

ORDER

- i. Application is allowed.
- ii. The marriage petition No.A-604 of 2020 pending before the Family Court, Nashik be transferred to Family Court, Mumbai.
- iii. Both parties to appear before the concern Court on 15th April, 2024.

(SHIVKUMAR DIGE, J.)