

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 39 OF 2023

Mita Kartik Avhad	...	Applicant
versus		
Kartik Sanjeev Avhad		Respondent

Mr. Veerdhawal Deshmukh, Advocate for the Appellant.
Mr. Virendra V. Pethe, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th FEBRUARY, 2024.

P.C. :

1. By this application, the applicant is seeking transfer of divorce petition filed by respondent-husband, which is pending before the Civil Judge, Senior Division, Kalyan, to Civil Judge, Senior Division, Malegaon.

3. It is the contention of learned counsel for the applicant that the applicant stays at Manmad with her aged parents, she has no source of income. The applicant is finding it difficult to attend the Court's dates at Kalyan, which is more than 100 kilometers away from her place of residence. Hence, requested to allow the application.

4. It is the contention of learned counsel for respondent-husband that sufficient ground is not given for transfer of petition. He further submitted that the marriage between the applicant and respondent was sham marriage, applicant and her relatives threatened respondent-husband and forced him to withdraw the complaint filed against them.

Learned counsel submitted that the applicant can attend the Court's dates at Kalyan. Hence, requested to reject the application.

5. I have heard both learned counsel. The applicant stays at Manmad with her aged parents, she has no source of income. The applicant is finding it difficult to attend the Court's dates at Kalyan. 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 :

O R D E R

1. Application is allowed.
2. Petition No. 95 of 2021 pending on the file of Civil Judge, Senior Division, Kalyan, be transferred to Civil Judge, Senior Division, Malegaon.
3. The respondent-husband can file an application for appearance through video conferencing before the concerned Court. The concerned Court shall decide the said application on its own merits.
4. Both parties to appear before the Civil Judge, Senior Division, Malegaon on 26th March 2024.
5. The Trial Court is requested to expedite the trial as early as possible.

Application stands disposed of.

(SHIVKUMAR DIGE, J.)