

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 342 OF 2023

Sandya Prasad Malvade

... Applicant

Versus

Prasad Sunil Malvade

... Respondent

.....

Mr. Pravin Mengane, Advocate for the Applicant.

Mr. Ujwal Agandsurve, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th APRIL, 2024.

P. C. :

1. By this application, applicant is seeking transfer of divorce proceeding pending before the Family Court at Bandra to Family Court at Kolhapur.

2. Learned counsel for the applicant submits that applicant stays with her old aged parents at Kolhapur. The applicant has no source of income. The distance between Kolhapur to Mumbai is more than 450 k.m. The applicant has filed proceeding for restitution of conjugal rights and under D.V. proceeding which is pending at Kolhapur.

3. The Respondent attends the Court dates in the matter, hence requested to allow the application. Learned counsel for the respondent

submits that when respondent attend Court dates at Kolhapur the applicant and her relatives gave threat to the respondent, there is threat to the life of the respondent if he goes to the Kolhapur. No sound reason is given for transfer of divorce proceeding pending before the Family Court at Bandra to Family Court at Kolhapur. Hence requested to reject the application.

4. I have heard both the learned counsel. Applicant stays with her parents at Kolhapur. The distance between Kolhapur to Mumbai is more than 450 k.m. Respondent attends the Court dates in other proceedings filed by the applicant. It is settled law that convenience of wife should be taken into consideration while deciding the transfer Petition.

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

ORDER

- i. The application is allowed.
- ii. Petition F/1883/2022 pending before the Family Court at Bandra be transferred to Family Court at Kolhapur.
- iii. Both the parties to appear before the Family Court at Kolhapur on 03.05.2024.
- iv. Respondent can file application for appearance through video conferencing before the concerned Court.
- v. 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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