

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

MISCELLANEOUS CIVIL APPLICATION NO. 284 OF 2023

Yashoda Nandkumar Borude

....Applicant

Versus

Nandkumar Sahebrao Borude

....Respondent

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Mr. S. L. Vaswani, Advocate for the Applicant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th MARCH, 2024.

P.C. :

1. By this application, Applicant is seeking transfer of restitution proceeding pending before the Family Court, Sangli to Family Court, Bandra, Mumbai.

2. It is contention of learned counsel for the Applicant that Applicant stays with her two children at Mumbai. The Respondent has not given any maintenance to the Applicant. The distance between Mumbai to Sangli is more than 400 km. Applicant is finding difficult to attend the Court's date at Sangli. Hence, requested to allow the Application.

3. On last date, last chance was given to the Respondent to go on with the matter. Today also none present for the Respondent hence, I am

deciding this application on merit.

4. Applicant stays with her two children at Mumbai. The Responsibility of children is on Applicant. The Applicant is not getting any maintenance. The distance between Mumbai to Sangli is more than 400 km. Applicant is finding difficult to attend the Court's dates at Sangli. It is settled principle of law that convenience of the wife has to be considered over the husband in the case of transfer petition.

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

ORDER

- i. Application is allowed.
- ii. The Marriage Petition No. A-70 of 2023 pending before the Family Court, Sangli be transferred to Family Court, Bandra, Mumbai.
- iii. Both parties appear before the Family Court, Bandra, Mumbai on 22nd April, 2024.
- iv. The Respondent can file application before the concern Court for appearance through video conference. The concern Court shall decide the said Application on its own merit.
- . Miscellaneous Civil Application is disposed of.

(SHIVKUMAR DIGE, J.)