

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

MISCELLANEOUS CIVIL APPLICATION NO.291 OF 2023

Amruta Krunal Dalvi Applicant

V/s.

Krunal Prakash Dalvi Respondent

Mr.Dhananjay K. Bhosale a/w Mr.Pranav Borgave, for the Applicant.

Mr.Durgesh Rege a/w Mr.Hiten Lala, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 08th APRIL 2024

P.C:-

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.

2. The learned counsel for the Respondent has tendered affidavit-in-reply. It is taken on record.

3. The learned counsel for the Applicant prays for transfer of Divorce Petition filed by the Respondent-Husband pending before the Family Court, Thane to Civil Judge Senior Division, Islampur.

4. It is contention of the learned counsel for the

**NILAM
SANTOSH
KAMBLE**
Digitally signed
by NILAM
SANTOSH
KAMBLE
Date: 2024.04.10
11:00:29 +0530

Applicant that, the Applicant stays at Islampur with her old age parents. The Respondent has not given full maintenance amount to the Applicant. The distance between Thane to Islampur is more than 300 k.m. The Applicant is finding difficult to attend the Court dates at Islampur. Hence, requested to allow the Application.

5. The learned counsel for the Respondent submit that, the Respondent has just came out of Rehabilitation Center and he may not be able to travel from Thane to Islampur for attending Court dates. Hence, requested to reject the Application. The learned counsel further submitted that if this Court incline to allow the Application, the Respondent be permitted to appear through Video Conferencing.

6. I have heard both learned counsel.

7. The Applicant stays with her old age parents at Islampur. The distance between Islampur to Thane is more than 300 k.m. The learned counsel for the Applicant submits that Applicant has filed Divorce proceedings before the Islampur Court, the Applicant will withdraw that Divorce Proceedings.

Considering the reasons mentioned in the Application as well as it is settled principle of law convenience of the wife has to be considered while transferring the Petition over the husband.

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

ORDER

(i) The Marriage Petition No.A-73 of 2023 pending before Family Court, Thane be transferred to Civil Judge Senior Division, Islampur.

(ii) The Applicant shall withdraw Divorce Petition filed by her, which is pending before the Civil Judge Senior Division, Islampur immediately.

(iii) The Respondent can file Application before the concerned Court for appearance through Video Conference. The concerned Court shall decide the said Application on its own merits.

(iv) The Trial Court is requested to dispose of the transferred matter as early as possible preferably within one year.

(v) Both the parties to appear before the concerned

Court on 30th April 2024.

(vi) The learned counsel for the Respondent undertakes to file Vakalatnama.

(vii) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)