

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

MISC. CIVIL APPLICATION NO. 408 OF 2023

Shweta Vishal KhopadeApplicant

V/s.

Vishal Ashok KhopadeRespondent

Mr. Rajesh More, for the Applicant.

Mr. Zishal Quazi, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th 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, Rajgurunagar to Family Court, Pune.

2. It is contention of the learned counsel for the Applicant-Wife that the Applicant is staying with her 8 year old daughter and old aged mother. The Applicant has no source of income. The Respondent-Husband is not providing maintenance to the Applicant or her daughter.

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The Applicant is facing financial difficulty to attend the Court's dates at Rajgurunagar, which is at 50 k.m distance from Pune. Learned counsel further submitted that the Applicant has filed Petition under Protection of Women from Domestic Violence Act, 2005 and Maintenance Application against the Respondent-Husband, which is pending at Judicial Magistrate First Class Court, Pune and Family Court, Pune. Hence, requested to allow the Petition.

3. Learned counsel for the Respondent-Husband submitted that the Respondent has some medical issue to attend the Court's dates at Pune. The Respondent has produced documents on record to show that the Applicant's financial condition is sound. Respondent would face hardship if Petition is transferred to the Pune and it is equal distance for both the parties. Hence, requested to reject the Application.

4. I have heard both learned counsel. Applicant is staying with her 8 year old child and old aged mother at Pune. She has filed Petition under Domestic Violence, which

is pending at Judicial Magistrate First Class Court, Pune and Maintenance Application at Family Court, Pune. She is finding difficult to attend the Court's dates at Civil Judge, Senior Division, Rajgurunagar, where the Divorce Petition filed by Respondent is pending.

5. In my view, it is settled principle of law that while considering transfer Petition, convenience of the wife has to be considered over the Husband.

6. In view of above, I pass following Order:

- i. Application is allowed;
- ii. Marriage Petition No.12 of 2023, pending before the Civil Judge, Senior Division, Rajgurunagar be transferred to Family Court, Pune.
- iii. Both parties to appear before Family Court, Pune on 18th March, 2024.

(SHIVKUMAR DIGE, J.)