

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 490 OF 2022**

Smita Sadanand Gore	...	Applicant
versus		
Sadanad Bharat Gore		Respondent

Mr. Sachinkumar Rajepandhare, Advocate for the Applicant.
Mr. S. S. Tambe, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th MARCH, 2024.

P.C. :

1. By way of this application, the applicant is seeking transfer of divorce petition filed by respondent-husband, which is pending before the Family Court at Pune to Family Court at Solapur.
2. It is the contention of learned counsel for the applicant that applicant stays at Solapur with her 6 year old son and her aged parents. The applicant has filed proceeding under the Domestic Violence Act against the respondent, which is pending before the Judicial Magistrate, First Class at Solapur. Learned counsel further submitted that the applicant has filed petition for restitution of conjugal rights against the respondent, which is pending at Family Court at Solapur. In both proceedings, respondent attends the Court's dates at Solapur. The

applicant is finding it difficult to attend the Court's dates at Pune as distance between Solapur and Pune is more than 200 kilometers. Hence, requested to allow the application.

3. It is contention of learned counsel for the respondent that respondent is a Doctor, who is doing private practise. It would be inconvenient for him to attend the Court's dates at Solapur. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. The applicant stays at Solapur with her six year old son and her aged parents. In the proceedings filed by the applicant, the respondent, attends the Court's dates at Solapur. The applicant is finding it difficult to attend the Court's dates at Pune as the distance between Solapur and Pune is more than 200 kilometers. It is settled principle of law that the convenience of the wife has to be considered over husband in case of transfer of petition.

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

1. The application is allowed.
2. Marriage Petition No.A-2320 of 2021 pending before the Family Court at Pune be transferred to the Family Court at Solapur, wherein Petition No.A-236 of 2022 is pending.
3. Both the parties to appear before the Family Court at Solapur on 8th April 2024.

4. The respondent can file an application for appearance through video conferencing before the Family court at Solapur. The concerned Court shall decide the said application on its own merit.

(SHIVKUMAR DIGE, J.)