

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

MISCELLANEOUS CIVIL APPLICATION NO. 303 OF 2023

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Pooja Sachin Yewale

....Applicant

Versus

Sachin Hanmant Yewle

....Respondent

Ms. Vrishali Rajee, Advocate for the Applicant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2024.

P.C. :

1. Heard learned counsel for the Applicant. Though Respondent served, none present for the Respondent hence, I am deciding this Application on merit.

2. By this application, Applicant is praying for transfer of marriage petition pending before the Civil Judge Senior Division Ichalkaranji, Kolhapur to Family Court, Thane.

3. It is contention of learned counsel for the Applicant that Applicant stays at Thane with two minor children. The distance between Thane to Ichalkaranji is more than 300 km. The Respondent has filed

divorce proceedings against the Applicant at Ichalkaranji. The Applicant attends the Court's date in the said proceedings. Applicant is finding difficult to go to Ichalkaranji. Hence, requested to allow the Application.

4. I have heard learned counsel for the Applicant.

5. Applicant stays at Thane with two minor children. She is taking care of minor children. The distance between Thane to Ichalkaranji is more than 300 km. The Applicant is finding difficult to attend the Court's date at Ichalkaranji. The Respondent attends the Court's date at Thane in DV proceeding. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer petition.

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

ORDER

- i. Application is allowed.
 - ii. The Marriage Petition No.HP-83 of 2023 pending before the Civil Judge Senior Division, Ichalkaranji be transferred to Family Court, Thane.
- . The Miscellaneous Civil Application stands disposed of.

(SHIVKUMAR DIGE, J.)