

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.322 OF 2023**

Ruhi Rushikesh Deshmukh	...	Applicant
versus		
Rushikesh Sopanrao Deshmukh		Respondent

Mr. Madhusudan Pareek, Advocate for the Applicant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th APRIL, 2024.

P.C. :

1. By this application, the applicant is seeking transfer of divorce petition filed by respondent-husband which is pending before the Family Court at Nashik, to Family Court at Bandra, Mumbai.
2. It is the contention of learned counsel for the applicant that the applicant stays at Mumbai with her widowed mother. The health condition of her mother is not good, majority of time, she is bedridden. The applicant is finding it difficult to attend the Court's dates at Family Court at Nashik. Learned counsel further submitted that the applicant has filed petition for restitution of conjugal rights, which is pending before the Family Court at Bandra, hence, requested to allow the application.
3. Heard learned counsel for the applicant. Though respondent is served, none present for the respondent. Sufficient chances are given to

the respondent to go on with the matter. Today also, nobody is present on behalf of the respondent. Hence, I am deciding this application on merits.

4. The applicant stays at Mumbai with her widowed mother. The health condition of her mother is not good, majority of time, she is bedridden. The applicant is finding it difficult to attend the Court's dates at Family Court at Nashik. The applicant has filed petition for restitution of conjugal rights, which is pending before the Family Court at Bandra. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer petition.

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

1. Application is allowed.
2. Petition No.A-53 of 2022 pending before the Family Court at Nashik to Family Court at Bandra, Mumbai.
3. Both parties to appear before the Family Court at Bandra, Mumbai on 29th April 2024.

Application stands disposed of.

(SHIVKUMAR DIGE, J.)