

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

MISCELLANEOUS CIVIL APPLICATION NO. 377 OF 2023

Harpreet Kaur Baweja

....Applicant

Versus

Urmandeep Singh Baweja

....Respondent

Ms. Priya Gajare i/b Mr. Amit Karva, Advocate for the Applicant.

Ms. Trisha Choudhari a/w Mr. Ranveer Choudhari i/b Ms. Bharati Aindley, Advocate for the Respondent.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2024.

P.C. :

1. By this application, Applicant is praying for transfer of Restitution of Conjugal Rights proceedings pending before the Family Court, Bandra, Mumbai to Family Court, Pune.

2. Learned counsel for the Applicant submits that Applicant stays at Pune with her parents. She has no source of income. Applicant is finding difficult to attend the Court's date at Bandra, Mumbai. The Applicant has filed DV proceedings against the Respondent, in the said proceedings, Respondent attend the Court's

date. Hence, requested to allow the Application.

3. Learned counsel for the Respondent submits that Respondent stays with his minor son and old mother. His mother has some medical issue hence, Respondent is unable to attend the Court's date at Pune. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Applicant stays at Pune with her parents. In the DV proceedings Respondent attend the Court's date at Pune. Applicant is finding difficult to attend the Court's date at Bandra, Mumbai. 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.A-1473 of 2023 pending before the Family Court, Bandra be transferred to Family Court, Pune.
- iii. The trial Court requested to keep the dates of DV proceedings and this proceedings on same date.
- iv. The Respondent can file application for appearance

through video conference before the Family Court.

The concerned Court shall decide the said application on its own merit.

. The Miscellaneous Civil Application stands disposed of.

(SHIVKUMAR DIGE, J.)