

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 385 OF 2023

Pooja Satish Beldar ... Applicant
Versus
Satish Nagappa Beldar ... Respondent

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Mr. Shreyash Sudhir Butala, Advocate for the Applicant.

Mr. Amod Ekhaspur i/b. K. M. Legal Mhatre, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2024.

P. C. :

1. By this application, applicant is seeking transfer of divorce proceedings pending before the C.J.S.D. Vasai to C.J.S.D., Khed.
2. It is contention of learned counsel for the applicant that applicant stays with her mother at Khed. Applicant is suffering from various ailments, she is unable to travel. She has no source of income. She is depending on the income of her mother. There is no male member to accompany her to attend the Court dates at Vasai, hence requested to allow the application.
3. Learned counsel for the respondent strongly objected to allow the application on the ground that medical papers produced on record about the treatment of the applicant shows that applicant taking treatment at Pune. Her mother's medical papers also shows that she is taking treatment at Pune hence requested to transfer the application at Pune which will

convenient for both the parties. Learned counsel further submitted that respondent had appeared before the Court at Khed but he was threatened by the relatives of the applicant and his two Advocates have taken back their Vakalatnama due to influence of the applicant's relatives, hence requested to dismiss the application.

4. I have heard both the learned counsel. Applicant stays with her mother. She has no source of income. Applicant has suffered from various ailments. It is settled law that while transferring the application, convenience of the wife has to be considered over husband in case of transfer Petition.

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

ORDER

- (i) The Application is allowed.
- (ii) Marriage Petition No. 315 of 2022 pending at C.J.S.D. Vasai be transferred to C.J.S.D., Khed.
- (iii) Respondent can file application before the C.J.S.D., Khed for appearance through video conferencing. The concerned Court shall decide the application on its own merit.

6. The application is disposed of.

(SHIVKUMAR DIGE, J.)