

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.364 OF 2023**

Shrikant Ambadasrao Phatkar	...	Applicant
versus		
Radha Shrikant Phatkar		Respondent

Mr. Satheesh K. R., Advocate for the Applicant.

Ms. Aishwarya Sharma, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th FEBRUARY, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. It is contention of learned counsel for the applicant-husband that the applicant has filed divorce proceeding against the respondent-wife, which is pending at Family Court at Pune. The respondent-wife has filed proceeding under the Domestic Violence Act, which is pending before the JMFC, Pimpri. The applicant is finding it difficult to attend the court dates at Pimpri Court. Hence, requested to transfer the proceeding under the Domestic Violence Act, to Family Court at Pune.
3. It is contention of learned counsel for the respondent-wife that the proceeding filed by the wife is kept for orders before the JMFC, Pimpri. If it is transferred to Family Court at Pune, again it will be

prolonged. Learned counsel further submitted that the respondent-wife stays with her parents at Pimpri. As the distance between the place of residence of the respondent-wife to Family Court, Pune, is more than 20 kilometers, she will find it difficult to attend the court dates at Pune. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The applicant stays at Pune, whereas respondent stays at Pimpri. The stage of proceeding filed by respondent wife, which is pending before the JMFC, Pimpri, is for passing order. If this proceeding is transferred to Family Court at Pune, again it will be prolonged. Moreover, it is settled principle of law that the convenience of the wife is to be considered over husband in case of transfer of petition.

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

(a) Application is rejected.

(SHIVKUMAR DIGE, J.)