

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

MISCELLANEOUS CIVIL APPLICATION NO.336 OF 2023

Dr.Sou.Payal Abhay Kamble @ Payal Applicant
Mahadev Pise

V/s.

Dr.Shri.Abhay Prakash Kamble Respondent

NILAM
SANTOSH
KAMBLE

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Date: 2024.03.05
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Mr.Rushikesh Kale, for the Applicant.

Mr.Bhalchandra S. Shinde, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th MARCH 2024

P.C:-

. Heard learned counsel for the Applicant and learned
counsel for the Respondent.

2. The learned counsel for the Respondent has tendered
affidavit-in-reply. It is taken on record.

3. By this Application, the Applicant is seeking transfer
of Divorce petition filed by the Respondent-Husband, which is
pending before the Civil Judge Senior Division, Satara to Civil
Judge Senior Division, Pune.

4. It is contention of the learned counsel for the

Applicant that, the Applicant stays at Pune. She is preparing for UPSC Exam. She is single lady. She has filed proceedings under the Domestic Violence Act against the Respondent, which is pending at Judicial Magistrate First Class at Pimpri Chinchwad. The Applicant is finding difficult to attend the Court dates at Satara. Hence, requested to allow the Application.

5. The learned counsel for the Respondent-husband has strongly objected on the ground that, the Petition of the Restitution of the Conjugal Rights is decreed in favour of the wife. In spite of that, she is not coming to co-habit with the Respondent. Hence, requested to reject the Application.

6. I have heard both learned counsel.

7. The Applicant stays at Pimpri-Chinchwad. She is finding difficult to attend the Court dates at Satara. She has filed proceedings under the D.V. Act, against the Respondent, which is pending at Judicial Magistrate First Class, Pimpri Chinchwad. It is settled principle of law, convenience of the wife has to be considered while transferring the Petition over the husband.

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

ORDER

- (i) The Divorce Petition No.HMP No.422 of 2018 2023 pending before Civil Judge Senior Division, Satara be transferred to Civil Judge Senior Division, Pune.
- (ii) The Trial Court is requested to expedite the trial as early as possible.
- (iii) The Respondent can file Application before the concerned Court for appearance through Video Conference. The concerned Court shall decide the said Application on its own merits.
- (iv) Both the parties to appear before the concerned Court on 1st April 2024.
- (v) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)