

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MICS. CIVIL APPLICATION NO. 308 OF 2023

VAISHALI
ANIL
TIKAM

Digitally signed
by VAISHALI
ANIL TIKAM
Date:
2024.05.02
12:41:15 +0530

Nida Nizar Munde	...	Applicant
versus		
Nizar Abdul Hamid Munde		Respondent

Ms.Saima Ansari, Advocate for the Applicant.
Mr. S.S. Patwardhan a/w. Akshay Hardas, Advocates for Respondent

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th APRIL, 2024.

P.C. :

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.
2. By this Application, Applicant is seeking transfer of petition for restitution of conjugal rights pending before the Civil Judge, Junior Division, Mahad to Family Court, Pune.
3. It is contention of learned counsel for the Applicant that Applicant stays at Pune along with minor daughter. She is suffering from various ailments. She has undergone surgery of hip. The distance from Mahad to Pune is more than 150 kms. The Applicant is finding difficult to attend the Court at Mahad. Hence, requested to allow the Application.
4. Learned counsel for the Respondent submits that the medical

documents produced by the Applicant are not reliable. No sound reason is given for transfer of the application. Hence, requested to reject the application.

5. I have heard both learned counsel. The Applicant stays at Pune with minor daughter. She is suffering from various ailments. Distance between Mahad to Pune is more than 150 kms. 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 :

- a. Application is allowed.
- b. Marriage Petition being RCS No. 116/2023 pending before the Civil Judge (JD), Mahad be transferred to Family Court, Pune.
- c. Respondent can file application for appearance through Video Conferencing before the concerned Court.
- d. The concerned court shall decide the said Petition on its own merits.

7. Application stands disposed of.

(SHIVKUMAR DIGE, J.)