

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

MISCELLANEOUS CIVIL APPLICATION NO. 381 OF 2023

Ankita Hemant Makar Alias

Ankita Kundlik Lagas

....Applicant

Versus

Hemant Piraji Makar

....Respondent

Mr. Manoj Bagal, Advocate for the Applicant.

Mr. Sachin M. Bhavar, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th APRIL, 2024.

P.C. :

1. By this application, Applicant is seeking transfer of Divorce Petition pending before the Civil Judge, Senior Division, Karmala to Civil Judge, Senior Division, Panvel.

2. It is contention of learned counsel for the Applicant, Applicant stays at Karjat with her parents and four year old daughter. The distance between Karjat to Karmala is more than 300 km. The Applicant is finding to difficult to attend the Court's date at Karmala. The Respondent attend the Court's date at Karjat in the proceedings

filed by the Applicant. Hence, requested to allow the Application.

3. Learned counsel for the Respondent strongly submitted that Respondent suffers spondylosis. The Respondent is unable to travel to Panvel due to his ailment. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Applicant stays at Karjat with her parents and four year old daughter. The distance between Karjat to Karmala is more than 300 km. The Respondent attend the Court's date in the proceedings filed by the Applicant at Karjat. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer petition and, I pass following order;

ORDER

- i. Application is allowed.
- ii. The Marriage Petition No.134 of 2023 pending before the Civil Judge, Senior Division, Karmala, Dist. Solapur be transferred to Civil Judge, Senior Division, Panvel.
- iii. The Applicant can file the Application for appearance through video conference before the

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

iv. The trial Court is requested to expedite the trial as early as possible.

. The Miscellaneous Civil Application stands disposed of.

(SHIVKUMAR DIGE, J.)