

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

MISCELLANEOUS CIVIL APPLICATION NO.519 OF 2022

Harshada Shubham Renukar Applicant

V/s.

Shubham Sunil Renukar Respondent

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KAMBLE

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Mr.Kalpesh Uttam Patil, for the Applicant.
Mr.Nitin Gaware Patil, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd FEBRUARY 2024

P.C:-

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

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

3. It is contention of the learned counsel for the Applicant that, the Applicant stays at Jejuri and she has filed proceeding under the provisions of the Domestic Violence Act

against the Respondent-Husband, which are pending at J.M.F.C., Saswad. The Respondent attends the Court dates in that matter. The learned counsel further submitted that the Applicant stays with her two years daughter and old age parents. She is finding difficult to attend the Court dates at Shrigonda. Hence, requested to allow the Application.

4. It is contention of the learned counsel for the Respondent-Husband that, the Applicant stays at Jejuri. She has filed proceedings under the provisions of Domestic Violence Act, which are pending at Saswad. For this proceeding she has travel to Pune i.e. around 50 k.m., she can easily travel to Shrigonda instead of Pune. The learned counsel further submitted that if the proceedings are transfer to Pune, the Respondent-Husband had to travel to around 100 km, as Respondent-Husband has already attending the Court dates at Saswad. Hence, this proceeding may not be transferred at Pune. Hence, requested to reject the Application.

5. I have heard both learned counsel.

6. The Applicant stays with her two years old daughter

and old age parents. She is facing difficulty to attend the dates of Petition filed by the Respondent at Shrigonda. The Respondent-Husband attend the Court dates in the proceedings under the Domestic Violence Act. It is settled principal of law while transferring the Petition, the Court has to consider the convenience of wife over the husband. Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) The Marriage Petition No.203 of 2022 pending before the C.J.S.D., Shrigonda be transferred to C.J.S.D., Pune.
- (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 21st March 2024.

(SHIVKUMAR DIGE, J.)