

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.37 OF 2023

Anjum Begum Sufiyaan ShaikhApplicant

V/s.

Sufiyaan Abdul Pehman ShaikhRespondent

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Mr.Yuvraj Dhanraj Patil, for the Applicant.
None for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 31st JANUARY 2024

P.C:-

1. By this Application, the Applicant is seeking transfer of Marriage Petition No.A-2593/2022 pending before the Family Court, Bandra to C.J.S.D., Udgir.

2. It is contention of the learned counsel for the Applicant that, the Applicant stays at Udgir with her old age parents. The Respondent-husband has filed Petition for Restitution of Conjugal Rights, which is pending before the Family Court, Mumbai. The Applicant is finding difficult to attend the Court dates at Mumbai. Hence, requested to allow the

Application.

3. The Respondent appeared before this Court and has filed reply. Though sufficient chances are given to the Respondent to argue the matter, but the Respondent remained absent. On the last date this Court has passed order by giving last chance to the Respondent to go on with the matter. Today also the Respondent is absent. Hence, I am deciding this application on merit.

4. The Applicant stays with her parents at Udgir. The distance between Udgir to Mumbai is around 550 km. The Applicant's have no source of income for travel expenses. The Applicant has filed D.V. proceedings against the Respondent-Husband, which is pending before JMFC, Udgir. The Respondent attends the dates of that proceeding. It is settled principle of law that convenience of the wife has to be considered over husband while transferring the Petition.

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

ORDER

(i) The Marriage Petition No.A-2593 of 2022

pending before Family Court, Bandra be transferred to C.J.S.D., Udgir.

(ii) Both the parties to appear before the concerned Court on 26th February 2024.

(iii) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)