

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 9 OF 2023**

Vaishali Sujit Wade Maiden Vaishali Raghunath Deshmukh	...	Applicant
versus		
Sujit Sunil Wade		Respondent

Mr. Nikhil N. Pawar , Advocate for the Applicant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th FEBRUARY, 2024.

P.C. :

1. By this application, the applicant is seeking transfer of Marriage Petition No.128 of 2022 pending before the Civil Judge, Senior Division at Panvel to Family Court at Thane.
2. Learned counsel for the applicant submitted that the applicant stays at Thane with her aged parents. The applicant has no source of income, she is finding it difficult to attend the court dates as she has to take care of her aged parents. Learned counsel further submitted that respondent-husband stays in Qatar and he rarely attends the court dates. Only to harass the application, the petition is filed at Panvel. He lastly submitted that the applicant has filed a complaint under Section 498A of the Indian Penal Code, 1860, which is pending before the Judicial Magistrate, First Class, Thane. Hence, requested to allow the application.

3. Though respondent is served, none present for respondent. On the last date, last chance was given to the respondent to go on with the matter. Today also, none present for the respondent, hence, I am deciding this application on merits.

4. I have heard learned counsel for the applicant. Learned counsel for the applicant submitted that the applicant stays at Thane with her aged parents. The applicant has no source of income, she is finding it difficult to attend the court dates as she has to take care of her aged parents. It is settled principle of law that the convenience of the wife is to be considered over husband in case of transfer of petition.

5. Considering the submissions of learned counsel for the applicant, the application is allowed and disposed of.

6. Marriage Petition No.128 of 2022 pending before the Civil Judge, Senior Division at Panvel be transferred to Family Court at Thane.

7. Both the parties to appear before the Family Court at Thane on 11th March 2024.

(SHIVKUMAR DIGE, J.)