

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

MISCELLANEOUS CIVIL APPLICATION NO. 395 OF 2023

Deepali Gopal Sonkamble

....Applicant

Versus

Umashankar Rao

....Respondent

Mr. Mateen Shaikh a/w Ms. Muskan Shaikh and Ms. Afrin Khan,
Advocate for the Applicant.

Ms. Naina Sharma a/w Adv. Pulkit Awasthi i/b Mr. Abhideep
Khaladkar, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th APRIL, 2024.

P.C. :

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.
2. Learned counsel for the Respondent tendered affidavit-in-reply, it is taken on record.
3. By this application, Applicant is seeking transfer of Divorce Petition pending before the Family Court, Pune to Civil Judge, Senior Division, Udgir, Dist. Latur.

4. It is contention of learned counsel for the Applicant that Applicant stays at Udgir with her parents. The Applicant has filed proceedings under DV Act and under Section 498-A of Indian Penal Code, 1860 (for short "IPC") against the Respondent, which are pending at Udgir. The Respondent attend the Court's date in the said proceedings at Udgir. The distance between Udgir to Pune is more than 400 km. The Applicant is finding difficult to attend the Court's date at Pune. Hence, requested to allow the Application.

5. Learned counsel for the Respondent submits that Respondent work at Khopoli, he has to attend his work from Monday to Saturday. The Respondent stays at Pune with his minor son and his son is taking education at Pune. The Respondent cannot attend the Court's date at Udgir. The Respondent is ready to bear the travelling expenses to the Applicant. The video conferencing facility is not available at Udgir. Hence, requested to reject the Application.

6. I have heard both learned counsel.

7. The Applicant stays with her parents at Udgir. The distance between Udgir to Pune is more than 400 km. In the proceedings filed by the Applicant at Udgir, the Respondent attend the Court's date at Udgir. Applicant is finding difficult to attend the Court's date at Pune.

It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer of petition and, I pass following order;

ORDER

- i. Application is allowed.
- ii. The Divorce Petition No.1605 of 2023 pending before 3rd Family Court, Pune be transferred to Civil Judge, Senior Division, Udgir, Dist. Latur.
- iii. The trial Courts are requested to keep the dates of all proceedings on same date, if possible.
- . The Miscellaneous Civil Application stands disposed of.

(SHIVKUMAR DIGE, J.)