

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 432 OF 2023**

Swati Vaibhav Mahajan @ Swati Jayant Shelgikar ... Applicant

Versus

Vaibhav Sudhir Mahajan ... Respondent

Mr. Suhas S. Inamdar, Advocate for the Applicant.

Mr. Satyajeet P. Dighe, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th APRIL, 2024.

P.C. :

1. By this application, applicant is seeking transfer of Petition for restitution of conjugal rights pending before the Family Court at Nashik to Family Court at Solapur.

2. It is contention of learned counsel for the applicant that applicant stays with her 3 year old son at Solapur. Applicant finding it difficult to attend the Court dates at Nashik. The distance between Solapur to Nashik is more than 400 km. Hence, requested to allow the application.

3. Learned counsel for the respondent submits that earlier respondent had filed this Petition to counterblast it. The Applicant has filed divorce petition at Solapur. There is no sound reason given to transfer the matter at Solapur. If matter is transferred at Solapur respondent would face difficulties it this Court inclined to transfer the matter permission be given

to the respondent to appear through video conferencing.

4. I have heard both the learned counsel. The applicant stays with her 3 year old son at Solapur. The distance between the Solapur to Nashik is more than 400 km. It is settled law that while transferring the application, convenience of the wife has to be considered. The respondent can file application before the concerned Court for appearance through video conferencing.

5. In view of above, I pass following Order:

ORDER

- (i) The Application is allowed.
- (ii) Petition No. A-125 of 2023 pending before the Family Court at Nashik be transferred to Family Court at Solapur.
- (iii) Both the parties to appear before the Family Court at Solapur on 05.05.2024.
- (iv) The respondent can file application before the Family Court at Solapur for appearing through video conference. The concerned Court shall decide the application on its own merit.

6. The application is disposed of.

(SHIVKUMAR DIGE, J.)