

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**MISCELLANEOUS CIVIL APPLICATION NO. 416 OF 2023**

|                              |      |            |
|------------------------------|------|------------|
| Rutuja Shriniwas Kadbane     | ...  | Applicant  |
| versus                       |      |            |
| Shrinivas Shruyakant Kadbane | .... | Respondent |

Mr. Vaibhav D. Gaikwad along with Mr. Shrinath Badade, Advocates for the Applicant.

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 15<sup>th</sup> APRIL, 2024.**

**P.C. :**

1. Heard learned counsel for the applicant.
2. By this application, the applicant is seeking transfer of divorce petition filed by respondent-husband which is pending before the Family Court at Pune to Civil Judge, Senior Division, Kalyan.
3. It is the contention of learned counsel for the applicant that the applicant stays at Shahpur with her 8 month old son, she is finding it difficult to attend the Court's dates at Family Court at Pune. Learned counsel further submitted that the applicant has filed proceeding against the respondent-husband under the provisions of Domestic Violence Act, which is pending before the Judicial Magistrate First Class, Shahpur. The respondent-husband has appeared the court's dates in that matter. Hence, requested to allow the application.

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4. Though respondent is served, none present for the respondent. Hence, I am deciding this application on merits.

5. The applicant stays at Shahpur with her 8 month old son, she is finding it difficult to attend the Court's dates at Family Court at Pune. The applicant has filed proceeding under the provisions of Domestic Violence Act against the respondent – husband which is pending before the Judicial Magistrate First Class, Shahpur. The respondent-husband has attended the Court's dates in that matter. It is settled principle of law that convenience of the wife has to be considered over the husband in case of transfer petition.

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

1. Application is allowed.
  2. Petition No.A-994 of 2023 pending before the Family Court at Pune be transferred to Civil Judge, Senior Division, Kalyan.
  3. Both parties to appear before the Civil Judge, Senior Division, Kalyan on 6<sup>th</sup> May, 2024.
- Application stands disposed of.

**(SHIVKUMAR DIGE, J.)**