

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

MISC CIVIL APPLICATION NO. 23 OF 2024

Priyanka Rohit Somvanshi	...Applicant
Versus	
Rohit Ashok Somwanshi	...Respondent

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Mr. Dhairyasheel Sutar, with Ms. Anjali Shaw & Ms. Latika Kabad, for the Applicant.

Mr. Nageshrao Y. Chavan, for the Respondent.

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CORAM	:	N.R. BORKAR, J.
DATE	:	7th AUGUST, 2024

P.C.:

1. By this Application under Section 24 of the Code of Civil Procedure, the applicant-wife is seeking transfer of Marriage Petition No.A-1958/2022 filed by the respondent-husband for divorce from the file of Family Court at Pune, to the file of Court of Civil Judge Senior Division, Ichalkaranji, Dist.Kolhapur.

2. I have heard the learned counsel for the parties.

3. The learned counsel for the applicant submits that at present the applicant is residing with her parents at Ichalkaranji.

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It is submitted that distance between Pune and Ichalkaranji is above 240 kms. It is submitted that applicant has two years old daughter and there is nobody to look after her as the mother of the applicant is suffering from heart disease. The learned counsel for the applicant further submits that the respondent is appearing in the proceeding filed by the applicant under the provisions of Domestic Violence Act before the Court at Ichalkaranji, and therefore no inconvenience will be caused to the respondent if the petition in question is transferred to the Court at Ichalkaranji.

4. On the other hand, the learned counsel for the respondent submits that the applicant has not filed written statement which shows that she is not interested in contesting the petition in question and therefore the same may not be transferred.

5. It is well settled that normally in the cases arising out of matrimonial dispute, the convenience of the wife is to be seen. It is not in dispute that the respondent is appearing in the proceedings filed by the applicant under the Domestic Violence Act before the Court at Ichalkaranji. Considering the overall facts and circumstances, following order is passed:

ORDER

(i) Misc Civil Application No. 23 of 2024 is allowed;

(ii) The Family Court, Pune shall transfer Marriage Petition No. A/1958/2022 pending on its file to the Court of Civil Judge, Senior Division, Ichalkaranji, District Kolhapur, and the Court of Civil Judge, (Senior Division), Ichalkaranji shall decide it in accordance with law.

(iii) Application is disposed off accordingly

(N.R. BORKAR, J.)