

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC CIVIL APPLICATION NO. 191 OF 2024**

Mrs. Nidhi Bharat Patel ...Applicant
Versus
Mr. Bharat Manilal Patel (Shiravi) ...Respondent
....
Mr. Rohit D.Gorade, for the Applicant.

....

**CORAM : N.R. BORKAR, J.
DATE : 6th AUGUST, 2024**

P.C.:

1. By this application under section 24 of the Code of Civil Procedure, the applicant-wife is seeking to transfer the Marriage Petition No. F-1478 of **2023** filed by the respondent-husband for divorce from the file of Family Court at Pune to the file of Family Court at Nashik.

2. Despite service, none appears for the Respondent.

3. I have heard learned counsel for the applicant.

4. The learned counsel submits that, the applicant-wife has filed an application for maintenance under Section 125 of the Code of Criminal Procedure before the Family Court at Nashik and the application under the provisions of Domestic Violence Act

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before the Judicial Magistrate, First Class, Nashik. It is submitted that respondent-husband is appearing **in application filed under the provisions of Domestic Violence Act**. It is submitted that the applicant is presently residing with her mother and step-father. It is submitted that considering the facts and circumstances the petition in question be transferred to the Family Court, Nashik.

5. It is well-settled that the convenience of the wife is to be seen in a matrimonial litigation. In view of the statement of the learned counsel for the applicant that the respondent is appearing in the proceedings filed by the wife before the Courts at Nashik, following order is passed:

ORDER

- i) The application is allowed.
- ii) The Family Court at Pune shall transfer the Marriage Petition No. F-1478 of **2023** pending on its file to the Family Court at Nashik.
- iii) Misc Civil Application No. 191 of 2024 is disposed of accordingly.

(N.R. BORKAR, J.)

Note: This order is corrected pursuant to the speaking to the minutes of the order dated 8th August 2024.