

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

Misc. Civil Application No.458 of 2024

Mrs. Bhavini Soni ... Applicant
V/s.
Mr. Jigar Vinod Soni Susania ... Respondents.

Ms. Kalra Kokila Dharampal	Advocate for the Applicant.
Mr. Saurav Chhetri i/b. K.T.Thomas	Advocate for Respondents

CORAM : S.M. MODAK, J

DATE : 22 November 2024.

P.C. :

Heard learned Advocate for the applicant-wife and learned Advocate for the respondent-husband.

2. There is domestic violence proceeding filed by the wife before the Court of JMFC whereas husband has filed the Divorce Petition before Family Court CBD, Belapur. The applicant-wife wants transfer of that petition to the Court of Civil Judge Senior Division at Vasai. There is strong opposition on behalf of the respondent-husband. His affidavit-in-reply is taken on record.

3. The Court is inclined to allow the application for transfer. The allegations made by both the spouses against each other relate to the matrimonial relationship. That cannot be considered while dealing

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with the request for transfer. The only parameters to be considered are as follows:

- (i) the convenience of the wife.
- (ii) Whether there are proceedings going on at the place desired by the wife.

In this case there is one more additional factor about physical appearance of the husband. He is working in Muscat. He is not in a position to attend physically in any Court.

4. Considering the last factor, I am inclined to allow the prayer for transfer. It is for the reason that even otherwise the husband is not going to appear physically. Hence, the following order is passed:-

ORDER

- 1) The application is allowed in terms of prayer clause (a).
- 2) Marriage Petition No. A-670/2024 be transferred from Family Court, Belapur to the Court OF Civil Judge Senior Division at Vasai.
- 3) The husband is permitted to appear through video conferencing whenever his personal presence is required.
- 4) Both the parties are directed to appear before the Vasai Court on 9 December 2024.

5. It is made clear that no fresh notice be issued. Parties have to appear on the basis of this direction. All contentions are kept open. The trial Court need not insist upon the physical presence of the

respondent-husband and whenever his presence is required, permit him to appear through video conferencing.

(S.M. MODAK, J.)