



Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.166 OF 2024

Neha Raj Chaudhary @
Neha Lalbahadur Thakur

...Applicant

Versus

Raj Ramakant Chaudhary

...Respondent

Mr. Nitesh J. Mohite, *for the Applicant.*

Mr. Chetan R. Shah, *for the Respondent.*

CORAM

Dr. Neela Gokhale, J.

DATED:

13th March 2025PC:-

1. By this Application, the Applicant wife seeks transfer of Marriage Petition No.40 of 2024 filed by the Respondent-Husband under Section 9 of the Hindu Marriage Act, 1955 pending before the Civil Judge Senior Division, Panvel to the learned Civil Judge Senior Division, Kalyan. The Petition sought to be transferred is filed by the Respondent-husband for restitution of conjugal rights.

2. Heard both the learned counsel appearing for the parties. Mr. Mohite, learned counsel appearing for the Applicant states that the Applicant is working in a private company at Ambernath and is drawing a salary of Rs.15,000/- per month. There is a four years old daughter born out of the said marriage. Presently, the custody of the child is with the Applicant and she is taking care of her

daughter single-handedly. He also states that the Respondent-father has suffered a paralytic attack and is presently bed-ridden.

3. Per contra, Mr. Shah, learned counsel appearing for the Respondent submits that the Respondent is an IT Engineer and he was working in Navi Mumbai, however, he candidly admits that only since last month, he is serving in a company in Pune.

4. Considering that the Applicant wife is residing at Kalyan and is looking after the minor daughter aged 8 years, it would be extremely difficult for her to travel to attend the Court at Panvel. In the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands preference.

5. In view of the aforesaid, the Marriage Petition No.40 of 2024 pending on the file of learned Civil Judge Senior Division, Panvel is transferred to the court of learned Civil Judge Senior Division at Kalyan.

6. The Application is accordingly disposed of.

(Dr. Neela Gokhale, J)