

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 238 OF 2014

Poonam Chandrakant Kolawane

.....Applicant

: V/S :

Mr. Chandrakant Arun Kolawane

.....Respondent

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Ms. Leo Ronald Castelino and Mr. N.G. Bane, Advocate for the applicant.

Respondent and Advocate absent.

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Coram :- Smt. R.P. SondurBaldota, J.

9th March, 2015.

P.C. :-

1). This application filed under Section 24 Civil Procedure Code is for transfer of Matrimonial Petition No. A-366/2014 pending in the Family Court at Nasik to the Family Court, Bandra, Mumbai. The notice of the application has been served upon the respondent who is absent despite service. The applicant claims transfer of the proceedings on four grounds, i.e. (i) her personal inconvenience to undertake the travel between Bandra and Nasik, (ii) the need to maintain and look after the minor son, (iii) financial constraints and (iv) illness of her mother who has undergone heart surgery.

2). As regards the illness of the applicant's mother, the same can be a ground for transfer of the proceedings, except for exceptional circumstance. Similarly, the financial constraints can also not be a ground for transfer as the applicant would be entitled to the travel expenses. However, considering the fact that the son of the parties is very small aged about 5 years and requires continuous attention, in my opinion, it would be inconvenient to the applicant to undertake the travel. Hence, the proceedings need to be transferred to satisfy the interest of justice. The application is allowed in terms of prayer clause (a).

(SMT. R.P. SONDURBALDOTA, J)