

IN THE HIGH COURT OF BOMBAY AT GOA

TRANSFER APPLICATION NO. 1 OF 2015

MRS.MADHURI VADAR @ MADHURI
SAWANT.

... Applicant

Versus

MR.SARVESH SAWANT.

... Respondent

Adv. Keny Sanman Rajanikant for the applicant.

Coram:- C. V. BHADANG, J.

Date:- 4th April, 2016

P.C.:

In this case a notice for final disposal was issued on 21/3/2016. As such, the application is being disposed of finally.

2. Heard the learned counsel for the applicant. There is no appearance on behalf of the respondent, though served.

3. The applicant is a resident of Bicholim, Goa. The marriage between the parties was registered with the Sub Registrar of Mormugao on 4/7/2012. The respondent is residing at Dabolim, Goa. The respondent has filed Matrimonial Petition No.22/2015/B for dissolution of marriage before the learned Senior Civil Judge at Vasco-da-Gama, Goa. The applicant is praying for transfer of the said matrimonial petition from the Court of learned Senior Civil

Judge at Vasco-da-Gama to the learned Senior Civil Judge, Bicholim. It is contended that the distance between Bicholim to Vasco-da-aGama is about 60 kms. The applicant has filed maintainance petition which is pending before the Bicholim Court. The applicant has no means of maintaining herself and to defend the petition, which is pending at Vasco. She, therefore, seeks the aforesaid transfer.

4. The learned counsel for the applicant has placed reliance on the decision of the Hon'ble Supreme Court in the case of SUMITA SINGH VS. KUMAR SANJAY AND ANR., reported in AIR 2002 SC 396, in order to submit that in such cases the wife's convenience has to be looked at.

5. I have considered the circumstances and the submissions made. The respondent has chosen not to appear, though served. In such circumstances the following order is passed:

ORDER:

The Matrimonial Petition No.22/2015/B is withdrawn from the file of the learned Senior Civil Judge, Vasco-da-Gama and is transferred to the file of the learned Senior Civil Judge at Bicholim for disposal according to law.

6. The application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

ap/-