

Sequeira

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

CIVIL APPLICATION NO. 2393 OF 2016

(For restoration)

in

WRIT PETITION NO. 8071 OF 2016

Sou.Sapna Harshal Joshi

.. Applicant

Vs.

Shri Harshal Vijaykumar Joshi

.. Respondent

Mr.Satyajeet Rajeshirke, for the Applicant.

None for the Respondent.

***CORAM : N.M.Jamdar, J.
Tuesday, 6 September 2016.***

P.C. :

Not on board. Taken on production board by way of praecipe.

2. Perused the application. The Applicant seeks restoration of the Petition which was dismissed for default. The learned counsel for the Applicant-Petitioner tenders unconditional apology for not remaining present. The apology so tendered is accepted, the Writ Petition is restored and taken up for consideration forthwith.

3. By the impugned order dated 9 March 2016, the learned Principal District Judge Pune, has rejected the application for

transfer made by the Applicant. The main ground on which the transfer is sought by the Petitioner is her son who at present four years and the inconvenience caused because of the age of her minor son. In the impugned order this aspect does not seem to have been adverted by the learned Principal District Judge. In the circumstances, the Applicant-Petitioner is permitted to revive the application filed by the Petitioner before the learned Principal District Judge. Accordingly the Applicant-Petitioner is permitted to file an application under Section 24 of the Code of Civil Procedure, giving particulars as regards the difficulty of the Applicant-Petitioner on the ground of age of her minor son. The learned Principal District Judge will consider this submission of the Applicant-Petitioner purely on its own merits and dispose of the same as per law. Writ Petition is disposed of with this liberty.

(N.M.Jamdar, J.)