

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

MISC. CIVIL APPLICATION NO.330 OF 2017

Smt. Vibhuti Mayank Sinvhal	...	Applicant
V/s.		
Shri Mayank Manish Sinvhal	...	Respondent

Mr.Sachin Gite for the Applicant.
Mr.Rahul D. Motkari for the Respondent.

**CORAM : NITIN W. SAMBRE, J.
DATE : DECEMBER 08, 2017.**

P.C. :

1. The marriage between the parties to the Application was solemnized on November 27, 2014 and the couple is blessed with a minor daughter aged about 1 and ½ year. In the backdrop of matrimonial discord, the Non-Applicant has initiated proceedings being Application No.A 21 of 2017 filed before the Family Court No.3, Bandra, Mumbai, of which transfer is sought by the Applicant-wife to the Family Court, Nasik.

2. The ground of convenience and hardship is pressed in addition to the fact that the Non-Applicant is gainfully employed

and will be in a position to attend the proceedings if transferred at Nasik. The claim is opposed by the Non-Applicant-husband on the ground that he is in a private employment and is ready and willing to appear in the case under Domestic Violence Act at Nasik. It was then urged that looking to the nature of the employment of Non-Applicant it would be difficult for the Non-Applicant to proceed on leave and to attend 2-3 proceedings at Nasik. He sought dismissal of the proceedings.

3. Considering the rival submissions, it is not in dispute that Applicant-wife is custodian of 1 and ½ year daughter. Apart from above, the Protection of Women from Domestic Violence Act, 2005 proceedings initiated at the behest of the Applicant against the Non-Applicant are pending before Court of Magistrate at Nasik. As such, the Non-Applicant is attending the proceedings at Nasik.

4. Having regard to the fact that the Applicant is custodian of a small child and in view of the above, the Non-Applicant is already attending the proceedings at Nasik, it will be appropriate to allow the application in terms of prayer clause (a) with only

modification that the proceedings of which transfer is sought will be transferred to the Court of Civil Judge, Senior Division, Nasik. The Court of Nasik will make every endeavour to post the Protection of Women from Domestic Violence Act, 2005 proceedings alongwith the present proceedings so that the parties will be at convenience. With the above observations, the Miscellaneous Civil Application stands disposed of.

(NITIN W.SAMBRE, J.)

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