

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION (ST.) NO.388 OF 2018

Bharti Ashish Warkade	 Applicant
V/s.	
Ashish Shalikram Warkade and Ors.	 Respondents

Mr. Altaf Khan, I/by Mrs. Sunita S. Sharma, for the Applicant.

Mrs. Anita Gupta for Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 17TH JULY 2018.

P.C. :

1. Heard Mr. Khan, learned counsel for the Applicant, and Mrs. Gupta, learned counsel for Respondent No.1.

2. This Miscellaneous Civil Application is preferred, under Section 24 of the Civil Procedure Code, 1908, for transferring Hindu Marriage Petition No.347 of 2016 from the Court of Civil Judge, Senior Division, Nagpur to the Family Court at Thane/Navi Mumbai on the count that, at present, she is residing at Kopar Khairane, New Bombay.

3. The H.M.P. No.347 of 2016 is filed by Respondent No.1 for judicial separation in the year 2016 and at that time, admittedly, the Applicant

was residing at Nagpur. As per her contention, in the month of January, 2017, she has shifted to New Bombay in search of the job and, therefore, as now she is residing in New Bombay, the H.M.P. No.347 of 2016 filed by Respondent No.1 in the Court of Civil Judge, Senior Division, Nagpur, be transferred to the Family Court, Thane/New Bombay, so as to avoid any inconvenience to her, considering the to and fro distance of about 1,600 Kms.

4. However, it is submitted by learned counsel for Respondent No.1 that, the Applicant has only temporarily come to reside at New Bombay. She has not even changed the address, which she has given in H.M.P. No.347 of 2016 i.e. of Nagpur. Secondly, it is submitted that, the H.M.P. No.347 of 2016 is now at the stage of recording of evidence. The examination-in-chief of Respondent No.1 is over; half of the cross-examination is also over and in that view of the matter, this Court also finds that, there is no reason at all to transfer the proceedings in H.M.P. No.347 of 2016 at this late stage from the Court of Civil Judge, Senior Division, Nagpur to the Family Court at Thane/New Bombay.

5. If at all, the Applicant had come to reside in New Bombay in January, 2017, there is no reason why she has waited for a period of more than one year, before filing of this Miscellaneous Civil Application. Now her presence also will not be required much in the proceedings in

H.M.P. No.347 of 2016 and, therefore, this Miscellaneous Civil Application, at this stage, need not be allowed.

6. In view of the above, this Miscellaneous Civil Application stands rejected.

[DR. SHALINI PHANSALKAR-JOSHI, J.]