

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

MISC.CIVIL APPLICATION NO.41 OF 2017.

Bharati Dashrath Methar @ Bharati

Prasad Prabhu

..... Applicant

vs

Prasad Prakash Prabhu

.... Respondent

Mr.Mayuresh Modgi for Applicant

CORAM: A.M.DHAVAL, J

DATE : 10TH OCTOBER, 2018

P.C

The respondent was served and Advocate Mr.Hemant Ghadigaonkar had appeared for the respondent but, later on he did not appear and did not file vakalatnama. Copy of this application was also served on the respondent by filing it in the trial Court proceedings. The roznama shows that it was served on the respondent still the respondent is not appearing,.

2. The applicant married to the respondent on 29.4.2013 as per hindu religious rites at Fatarpem, South Goa. Thereafter, they cohabited in Goa. The applicant is blessed with a baby boy on

27.10.2014 which must be now aged around 4 years.

3. Due to strained matrimonial relations, the parties have separated since more than 4 years. The husband has filed divorce petition in the Court at Ponda, Goa.

4. Learned advocate for the applicant submits that the parties are governed by Hindu Marriage Act and not by Portuguese law.

5. Since the wife is unemployed and having a child of 4 years and residing in Mumbai, she is seeking transfer of this divorce petition from Ponda, Goa to the Family Court, Bandra, Mumbai.

6. As held in Sumiti Singh's case AIR 2002 SUPREME COURT 396 the convenience of the wife is to be looked at.

7. In view of the uncontroverted facts, this is a fit case for

transfer of divorce petition from Ponda, Goa to the Family Court, Bandra, Mumbai. Hence the following order :

- a) Application is allowed.
- b) Matrimonial Petition No.19/2016/A pending before the Court of Senior Civil Judge, at Ponda, Goa is hereby transferred to the Family Court, Bandra Mumbai.
- c) The Superintendent, Court of Senior Civil Judge at Ponda, Goa shall transmit the record to the Family Court, Bandra Mumbai at the earliest.
- d) Parties shall remain present in Family Court, Bandra, Mumbai on 29.11.2018.

Misc. Civil Application disposed of.

{A.M.DHAVAL, J}