

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION (St.) No. 2402 OF 2018

Parveen Taj Umar Sharif Siddiqui ... Applicant
Vs.
Umar Sharif Siddiqui ... Respondent

Mr. Syed Asif Abbas Naqvi, for the Applicant.

CORAM : A. M. DHAVALE, J.
DATE : SEPTEMBER 5, 2018

PC :-

1. Heard the learned advocate for the Applicant. This application filed by wife under S. 24 of the Civil Procedure Code is proceeded exparte as the husband in spite of service of notice has not filed reply.

2. Learned advocate for the Applicant submits that though the message was sent on the mobile number of the husband, he has not replied.

The applicant – Parveen has married to opponent on 5.1.2002 at Bandra. She begot first son Mst. Fauzia in January

2003 and another son Mst. Faizan in September, 2004. The children are residing with wife. The parties had differences and they separated in 2016. The husband has filed Civil Misc. Application No. 23 of 2017 for custody of the children in the District Court, at Alibag. By this application, wife seeks transfer of said application from the District Court Raigad to the Family Court at Bandra. The said petition was filed under the Guardians and Wards Act, 1890 in January, 2017.

3. The wife and children were residing at Kharghar. As the leave and license agreement came to an end, she has shifted to the house of her parents at Bandra. This changed address pleaded by the Applicant has not be controverted by the husband by filing reply. The Applicant is a house wife and it is not convenient for her to attend the District Court at Alibag alongwith her two children. In view of the fact that children are residing at Bandra and in the light of S. 9 of the Guardians and Wards Act, it is necessary to transfer the proceeding before the District Court, Alibag to the Family Court Bandra. Hence, the

following order.

ORDER

- (i) The application is allowed;
- (ii) Misc. Civil Application No. 23 of 2017 filed by the husband, pending before the District Court Alibag is transferred to the Family Court at Bandra.
- (iii) All records and proceedings of Misc. Civil Application No. 23 of 2017 filed by the husband, pending before the District Court Alibag be transmitted to the Family Court, Bandra;
- (iv) Both parties shall appear before the Family Court at Bandra on 10th October, 2018.
- (v) The applicant shall give intimation of this order to the respondent at the earliest.
- (vi) Civil application is disposed of in the aforesaid terms.

Sd/-
[A. M. DHAVAL, J.]