

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 61 OF 2018**

Nilesh LagdiveApplicant

V/s.

Swapna LagdiveRespondent

Ms. Seema Sarnaik for the applicant.

Mr. Abhijit Patil for the respondent.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 05TH DECEMBER, 2018.**

P.C.:

. This is an application under Section 24 of the Civil Procedure Code for transfer of proceedings i.e. M.P.No. 291/2016 from Civil Judge, Senior Division, Thane to the Family Court, Pune.

2. Heard Ms. Seema Sarnaik, learned counsel for the applicant and Mr. Abhijit Patil, learned counsel for the respondent. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The applicant has claimed that the petitions were filed before Thane Court since the respondent was employed in Mumbai and was residing at Ghansoli, Thane. The learned counsel for the applicant has stated that the respondent is presently employed at Pune and their child is also admitted in 3rd standard in Blossom School, Pune. Mr. Abhijit Patil, the learned counsel for the respondent does not dispute

that the respondent was employed in Pune. However, he submits that she left the job. He further admits that their son is admitted in Blossom School, Pune.

4. Both parties concede that it would be convenient to transfer the matter to the Family Court, Pune. The learned counsel for the respondent further submits that in the event, the respondent shifts her residence and/or she changes the school of the child from Pune, she should be given liberty to file the application under Section 24 of the Civil Procedure Code. Suffice it to say that such recourse is always available to the respondent.

5. Considering the above facts and circumstances, the Application is allowed in terms of prayer clauses (b). M.P. No. 291/2016 which is pending before Civil Judge, Senior Division, Thane are ordered to be transferred to the Family Court, Pune.

6. Record and proceedings in M.P.No. 291/2016 be forwarded to the Family Court, Pune.

7. Both parties to remain present before Family Court, Pune on 07th January, 2019.

(SMT. ANUJA PRABHUDESSAI, J.)