

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

MISCELLANEOUS CIVIL APPLICATION NO.280 OF 2017

Rajeshri R. Deokar

... Applicant

Vs.

Ratan D. Deokar

... Respondent

Mr.D.R. Teli for the Applicant

Mr.P.D. Patil for Respondent

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 19, 2018

P.C. :

1. Received the report from the learned Mediator Shri Rajiv Patil, Senior Advocate dated 6.2.2018. The report is shown to both the learned Counsel for the parties. The learned Mediator has informed that the advocate for the applicant informed him that the applicant has reservations about the suggestions made by him as the Mediator and therefore, he has requested to transfer the matter to other Mediator.

2. The wife has filed this application u/s 24 of the Civil Procedure Code for transfer of Petition No.119 of 2017 filed before the Court of Civil Judge, Senior Division, Nasik to the Family Court

at Bandra, Mumbai. As the matter was referred to mediation at pre-litigation stage and so, the petition was registered in June, 2017. The wife has filed a petition for maintainance under the Hindu Adoption and Maintainance Act, 1956 bearing No.C-23 of 2017 in April, 2017, which is pending before the Family Court, Bandra.

3. The learned Counsel for the applicant submits that the applicant/wife is completely dependent financially on the respondent alongwith her son, who is 4 years old and it is not possible for her to travel alongwith the child from Mumbai to Nasik to attend the Court dates.

4. The learned Counsel for the respondent while opposing this application for transfer has submitted that the respondent is working as a Professor in college. However, there are certain financial and salary crises, which the husband is facing. Therefore, he is now in transit and searching for better job. The learned Counsel has further submitted that the mother of the respondent is detected with Cancer since August, 2017 and therefore, he needs to look after her. He further submits that he has filed the Marriage Petition first in time.

5. Considered the submissions and I am of the view that the minor child of 4 years age, is completely dependent on the mother, who is looking after the child. It is difficult for her to travel with the child from Mumbai to Nasik and attend the Court dates. In view of this and considering the inconvenience to the child and also the applicant/wife, I am of the view that this application is to be allowed and the Petition No.119 of 2017 filed before the Court of Civil Judge, Senior Division, Nasik is hereby transferred to the Family Court at Bandra, Mumbai.

6. Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)