

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION No. 1 OF 2018

Puja Prashant Mahindrakar ... Applicant
Vs.
Prashant Laxman Mahindrakar ... Respondent

Mr. Sudhir I. Nandode, Advocate for the applicant.
Mr. Abhijeet J. Kandarkar, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 18th April, 2018.

P.C.:

This Application is moved by the applicant/wife under section 24 of the Code of Civil Procedure for transfer of Marriage Petition No. A 578 of 2017 filed by the respondent/husband for divorce which is pending before the Family Court, Pune to the Family Court, Thane.

2. The learned counsel for the applicant submitted that the couple is having one year old son and is staying with the applicant/wife at Borpada, Taluka Bhiwandi. He submitted that it is difficult for the applicant to travel from a small village named Borpada to Pune for attending Court dates. He further submitted that neither the applicant/wife nor the child is getting maintenance.

3. The learned counsel for the respondent/husband files reply and submitted that the respondent is ready to give to and fro conveyance charges for the applicant/wife. He further submitted that the Application for transfer is not maintainable, as Thane Court has no jurisdiction. He further submitted that it will be inconvenient for the respondent to travel from Pune to Thane for attending Court dates.

4. Considering the submissions. The applicant/wife is staying at Borpada, Taluka Bhiwandi, District Thane. The couple is having minor son of one year old. In the transfer matter, the convenience of the parties as well as convenience of the minor child, if any, is to be weighed. Undoubtedly, one year old child cannot be kept away from the mother for a long time. Considering this situation, Marriage Petition No. A 578 of 2017 filed by the respondent/husband for divorce is transferred from Family Court, Pune to Family Court, Thane, which is convenient to both the parties. The said Petition is to be transferred from Family Court, Pune to Family Court, Thane on or before 5th May, 2018. Parties to appear before the Principal Judge or the Judge of the Family Court, Thane, who may be assigned the matter, on 12th June, 2018. The applicant is allowed to ask for the cost and maintenance charges by filing separate application before

the Family Court.

5. Miscellaneous Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)