

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Misc. Civil Application (Tr) No.472 of 2017
(Sau. Pravada w/o Abhijeet Pasale and another.vs. Abhijeet Jagdish Pasale)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders.
and Registrar's orders

Mr. D.P. Dapurkar, Advocate for Applicants.
Mr. R.N. Ghuge, Advocate for Respondent.

CORAM : Manish Pitale, J.
DATED : February 12, 2018.

1. This is an application filed on behalf of the applicants seeking transfer of Petition No.PD-8/2017 filed by the respondent before the Family Court at Pune, to the Family Court at Amravati. The said petition has been filed by the respondent for custody of applicant No.2 (minor son) under Section 25 of the Guardians and Wards Act, 1890 read with Section 7(1) of the Family Courts Act.

2. Mr. D.P. Dapurkar, learned counsel appearing on behalf of the applicants, submits that the applicants are residents of Amravati and that they have been staying in Amravati since difference has developed between the applicant no.1- wife and the respondent-husband. It is contended that the applicant no.1-wife has initiated two proceedings at the Family Court, Amravati, one being Petition No. A-144/16 for dissolution of marriage and for grant of divorce decree and other being a Petition No.E-39/17 under Section 125 of the Cr.P.C. seeking monthly maintenance from the

respondent-husband. It is contended that the respondent-husband is attending the said two proceedings at the Family Court in Amravati. It is further contended that the respondent-husband has himself stated in his petition filed before the Family Court at Pune that he is resident of Baroda, Gujrat and that this demonstrates that the petition has been filed at Pune only to harass the applicants.

3. Mr. R.N. Ghuge, learned counsel appearing on behalf of the respondent-husband submits that the respondent has filed the petition at Pune only because the applicants at the time of filing the petition and even today are residing in Pune. It is not disputed that the respondent is attending to the aforesaid two proceedings initiated by the applicant no.1-wife in the Family court at Amravati.

4. It is evident from the material on record that the respondent-husband is himself not residing at Pune, while he has filed the petition for custody of the applicant no.1 in the Family Court at Pune. It is also an admitted position that the respondent-husband has been attending to the two proceedings initiated by the applicant no.1-wife in the Family Court at Amravati. Although it is contended on behalf of the respondent-husband that the applicants are presently residing at Pune, there is no material on record to support the said statement. In this backdrop, I am of the opinion that it would be in the interest of justice if the petition filed by the respondent-husband filed at Pune is transferred to

Amravati as he is already attending to two proceedings pending before the Family Court at Amravati. The convenience of the applicants, being wife and minor child, is of paramount consideration in such matters.

5. Therefore, this application is allowed and the Petition No. PD-8/2017 (Abhijeet Jagdish Paale .vs. Pravada Abhijeet Pasale) pending before the Family Court at Pune is transferred to the Family Court at Amravati. It is directed that the said petition and its entire record be transmitted to the Family Court at Amravati, within four weeks from today.

6. Application is disposed of. No order as to costs.

JUDGE

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