

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

MISC. CIVIL APPLICATION NO. 140 OF 2019

Mansi w/o Mihir Bakre
..Vs..
Mihir Anil Bakre and ors.

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

Court's or Judge's orders

Ms. Shiba Thakur, Adv. for applicant.
Shri R.M. Pande, Adv. For non-applicant nos. 1 to 6.

CORAM : NITIN W. SAMBRE, J.
DATED : 11.09.2019

CIVIL APPLICATION (O) NO. 466 OF 2019

The application for the reasons disclosed
though objected, stands **allowed**.

Amendment be carried out forthwith.

MISC. CIVIL APPLICATION NO. 140 OF 2019

Heard Shri R.M.Pande, learned Counsel
for the non-applicant nos. 1 to 6.

The learned Counsel oppose the claim of
transfer on the ground that the Court is required to
strikeout the balance between convenience of the

applicant and non-applicant.

According to him, the non-applicants are ready to bear reasonable amount of travel by Bus.

Considered the contentions.

Shri Pande has place reliance upon the judgment of the Apex Court in the matter of *Anandita Das v. Srijit Das* reported in **(2006) 9 SCC 197** so as to substantiate his claim that the transfer be not granted merely for asking.

The fact remains that after the marriage, the parties are blessed with a son aged about 4 years and the applicant is custodian of the said child. Apart from the above, the fact remains that the distance between two places is more than 400 kilometers one way.

In the aforesaid background, the claim of the non-applicant that the non-applicant is ready and willing to bear the expenses of travel by train or Bus are of no consequences as the applicant will be required to travel with one accomplish and will be required to stay for attending the proceedings. As such the applicant will require to stay on each date for a period of two days including the travel time which will burden-sum for herself.

In the aforesaid background, the contentions raised by the learned Counsel for the non-applicant are hereby rejected.

In the aforesaid background, considering the hardship and the facts that the applicant is custodian of a son aged about 4 years, the application is **allowed** in terms of prayer clauses (i), (ii) and (iii).

JUDGE

Trupti