

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

MISCELLANEOUS CIVIL APPLICATION NO.336/2018

Mrs. Sai W/o Tushar Lohar Lingnurkar

..Vs..

Shri Tushar S/o Netaji Lohar Lingnurkar

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

Court's or Judge's orders

Shri N.R. Bhishikar, Advocate for the applicant.
Shri M.N. Ali, Advocate h/f Shri Kamal H. Anandani, Advocate for the
non-applicant.

CORAM : NITIN W. SAMBRE, J.

DATED : 27.9.2019

1] Heard.

2] The parties to the application were married on 25th January, 2017 at Nagpur. Out of aforesaid wedlock, a son was born on 11th June, 2010, who is in custody of the present applicant. It is informed that the applicant is residing in Nagpur with her parents.

3] Considering the distance between Pune and Nagpur and the applicant being custodian of a minor child, the issue of hardship is sought to be established seeking transfer of proceedings from Family Court, Pune to Family Court, Nagpur.

4] The claim is opposed by the learned Counsel for the non-applicant on the ground that there are sufficient means available with the applicant to travel to

Pune and attend the proceedings. The non-applicant further relied on certain documents to as to contend that the applicant is residing at Pune.

5] Considered rival submissions.

6] Just because the non-applicant has purchased certain movable or eatable articles at Pune that by itself will not be sufficient enough to infer that the applicant is residing at Pune. Further applicant has admitted that at times she is required to visit Pune for her work.

7] Apart from above, the distance between two places i.e. Nagpur and Pune and non-applicant, a working lady, being custodian of a minor son, who is taking education at Nagpur, cannot be ignored.

8] In the aforesaid background the application is **allowed** in terms of prayer clause (i). No costs.

JUDGE