

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

MISC. CIVIL APPLICATION [TR] NO.344 OF 2020

[Sonal w/o Hemant Mankar .vs. Hemant s/o Subhash Mankar]

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

Court's or Judge's orders

Ms. S.H. Bhatia, Advocate for the applicant,
Mr. S.A. Sahu, Advocate for non-applicant.

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CORAM: M.S. SONAK, J.

DATED: DECEMBER 10, 2021.

Heard the learned counsel for the parties.

2. I have perused the averments in the application, as also the response filed by the non-applicant. It is true, as contended by the non-applicant, that there are some contradictory averments in the transfer application. But these averments have no bearing whatsoever on the issue of transfer of proceeding. The averments at the highest indicate some confusion in the mind of the applicant, as to whether she should walk out of the marital relationship or she should remain in matrimony.

3. The learned counsel for the non-applicant points out that there was no contradiction as such and in any case, some kind of confusion is quite natural having regard to the position in which the non-applicant is placed.

4. There is no dispute in this case that the applicant resides in Nagpur along with her minor child aged five years. There is also no dispute that the non-applicant is

a Doctor and therefore he will have no financial means to attend the proceedings at Nagpur. Having regard to all these circumstances, a case is made out for allowing the transfer petition.

5. Accordingly, this application is allowed in terms of prayer clause (i) which reads as follows :

“Transfer the Marriage Petition No. A/13/2020, pending before the Hon’ble Judge Family Court, Buldana, filed by Non-Applicant under Section 13 (1) (i-a), (i-b) and Section 26 of the Hindu Marriage Act, 1955, to the Court of Hon’ble Judge Family Court, Nagpur”.

6. In my judgment, this is a fit case where the parties should explore the possibility of settlement of their dispute through mediation. Upon a suggestion being made by the Court, the learned counsel for the parties, very graciously agreed that such an attempt can be made particularly in the interest of the minor child. Therefore, though this transfer application is hereby allowed, The parties are referred to mediation.

7. Ms. Suhashini Deshpande, learned counsel of this court, is requested to mediate in this matter and to submit her report to the Family Court at Nagpur.

8. Learned counsel for the parties state that they will cooperate and also give a copy of the order to the mediator.

9. The parties to appear before the learned Mediator on 22.12.2021 at 2.00 pm in the first instance and thereafter, as convenient to the mediator.

10. This application is disposed of.

[M.S. SONAK, J.]

ABHIMANYU
SHANKARRAO
GULANDE

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