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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 26 OF 2022**

Sou. Sonali Nikhil Bhosale Applicant.
V/s
Shri Nikhil Madhusudan Bhosale Respondent.

Mr. Vilas B. Tapkir for the Applicant.

CORAM: NITIN W. SAMBRE, J.

DATE: APRIL 08, 2022

P.C.:-

- 1] Heard Mr. Tapkir, learned Counsel for the Applicant.
- 2] After matrimonial discord, Respondent/husband initiated Misc. Civil Application No.207 of 2019 under the provisions of Guardian and Wards Act, 1890 for custody of son Siyon who was born on 26/07/2011. The said proceedings were subsequently transferred to the file of Family Court, Sangli and renumbered as Petition D-9 of 2021 of which transfer is sought to Pune on the ground that Applicant/wife initiated proceedings for divorce and permanent alimony as well as for custody under the provision of the Divorce Act, 1896 viz. Marriage Petition No.140 of 2021. It appears that both the children are in the custody of the Applicant.
- 3] As such, it is claimed that in any case if proceedings initiated by

husband for custody are continued at Family Court, Sangli, there is likelihood of recording of overlapping findings on the same set of facts and evidence. It is further claimed that Applicant will suffer hardship if she is made to travel from Pune to Sangli. The ground of hardship is not contested by the Respondent/husband, as he has chosen not to appear.

4] In the wake of above submissions, so as to avoid recording of overlapping findings on the same set of facts and evidence and considering the hardship which Applicant will suffer, Application is allowed in terms of prayer clause (a) which reads as under:-

“(a) This Hon’ble Court be pleased to transfer the Petition D-9 of 2021 from Ld. Family Court, Sangli to Ld. District Judge, Pune.”

(NITIN W. SAMBRE, J.)