

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

MISC. CIVIL APPLICATION NO. 109 OF 2022

Dilip Laxmanrao Yedatkar __ Vs. __ Dipak Namdevrao Kakde

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

Court's or Judge's orders

Mrs. Swati Kulkarni, Advocate for applicant
Mr. P.S.Khubalkar, Advocate for Non-applicant

CORAM : AVINASH G. GHAROTE, J.
DATE : 25/11/2022

1] Heard Mrs. Kulkarni, learned counsel for the applicant and Mr. Khubalkar, learned counsel for the non-applicant.

2] The application seeks transfer of Misc. Civil Application No. 41/2022 instituted by the non-applicant/ husband in the Court of Additional District Judge, Shivaji Nagar, Pune to the District Court, Amravati on the ground that the proceedings bearing Misc. Civil Application No. 109/2021 under Section 10 of the Guardian & Wards Act instituted by the applicant/~~wife~~ grand father are pending there, wherein the respondent is already appearing.

Corrected as per
Court's order dated
02/12/2022.

3] Though Shri Khubalkar, learned counsel for the respondent vehemently opposes the application, however, considering what has been held in *D. Raja Rajeswari Vs. R. Satish Kumar (2022) 2 SCC 329*, and *Sangamitra w/o Ramakant Royalwar Vs. Ramakant s/o*

Gangaram Royalwar, 2009 (1) Mh.L.J. 303, Misc. Civil Application No. 41/2022 pending on the file of Additional District Judge, Shivaji Nagar, Pune, is hereby transferred to the District Court, Amravati.

4] The parties shall appear before the District Court Amravati on 02/12/2022 through counsel and place a copy of this order before him to apprise him of the same. The parties shall also appear before the Additional District Judge, Pune through counsel and place a copy of this order before the learned Court in order to apprise him of the same and so also to enable him to transfer the record to the District Court, Amravati.

5] It is made clear that all proceedings instituted by the ~~wife~~ grand father as well as the one hereby transferred shall be listed on the same date so as to avoid any inconvenience to the respondent/~~husband~~ son-in-law.

6] In case there is video conferencing facility available with the District Court, Amravati. any application filed by the respondent for appearing in the proceedings through video conferencing shall be taken into consideration unless the personal physical presence is desired by the court.

7] The Misc. Civil Application is allowed accordingly. No order as to costs.

Corrected as per
Court's Order
dated 02/12/2022.

(3)

52mca109.22

JUDGE

Rvjalit