

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

MISC. CIVIL APPLICATION NO. 196 OF 2022

Seema Kamlesh Jibhakate vs. Kamlesh Rameshji Jibhakate

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Tripti Daga, Advocate for applicant.
Ms. Ayushi Dangare, Advocate for respondent.

CORAM : MANISH PITALE J.

DATE : 26/04/2022

By this application the applicant (wife) is seeking transfer of the two proceedings initiated by the respondent(husband) before the Court of Civil Judge, Senior Division, Bhandara. It is claimed on the grounds raised in the application that both the proceedings deserve to be transferred from the Court of Civil Judge Senior Division, Bhandara to the Court of Civil Judge Senior Division, Nagpur.

2. The respondent(husband) has entered appearance through counsel. The learned counsel appearing for the respondent on instructions makes a statement that the respondent has no objection for the prayer made in the present application being granted. But, at the same time, the respondent has

moved an application before this Court and expressed apprehension that considering a peculiar medical condition that the minor child is suffering in the present case, known as Pierre Robin Sequence, urgent medical treatment is required by the child who is only about 02 years old. It is submitted that due to the interim order passed by this Court, the proceedings were stayed in the Courts at Bhandara and hence the relief on visitation/participation by the respondent in the medical treatment of the child has not been taken up for consideration by the Courts at Bhandara.

3. This Court has perused the application filed on behalf of the respondent and the documents filed therewith. It is revealed that the child unfortunately does suffer from the aforesaid medical condition and that treatment for the same is required. Applications seeking relief as sought in the application filed before this Court are still pending before the Courts at Bhandara in the proceedings already filed by the respondent.

4. This Court is of the opinion that while the proceedings can be transferred to the Court at Nagpur, but in view of the apprehension expressed on behalf of the respondent, appropriate directions can be given for ensuring that the concern expressed by

the respondent is expeditiously considered and appropriate orders are passed therein.

5. In view of the above, the application is allowed.

6. Accordingly, Petition bearing H.M.P No.17/2022 and Petition No. 18/2022, both filed by the respondent before the Court of Civil Judge Senior Division, Bhandara are transferred to the Court of Civil Judge Senior Division, Nagpur.

7. Considering the aforesaid apprehension expressed by the respondent, the Court of Civil Judge Senior Division, Bhandara, is directed to ensure that the records of both the petitions are transmitted forthwith to the Court of Civil Judge Senior Division, Nagpur and in any case within a period of 10 days from today.

8. It is further directed that upon receiving the records, the Court of Civil Judge Senior Division, Nagpur shall immediately take up the applications filed on behalf of the respondent on the aspect of visitation rights and to participate in the medical treatment of the minor child. Such applications already filed and if further such applications are filed

by the respondent, they shall be taken up for consideration by the Court at Nagpur and it shall be ensured that the said applications are disposed of within two weeks of receipt of the records from the Court at Bhandara.

9. To dispense with the necessity of issuance of notice by Civil Judge, Senior Division, Nagpur, it is directed that the parties shall remain present before said the Court at Nagpur on **6th May, 2022**.

JUDGE