

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

**MISC.CIVIL APPLICATION NO. 644 OF 2021**

Sau. Sonam W/o. Swarup Godghate vs. Swarup S/o. Babanrao Godghate

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

Court's or Judge's Orders.

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Ms. S. P. Dhore, Advocate for applicant.  
Mr. P. J. Mehta, Advocate for respondent.

**CORAM : MANISH PITALE J.**

**DATE : 18/04/2022**

By this application, the applicant (wife) is seeking transfer of two proceedings from the Family Court at Nagpur to the Family Court at Mumbai. One proceeding pertains to an application filed by the applicant seeking custody of minor child and another proceeding pertains to a divorce petition filed by the respondent (husband) before the Family Court at Nagpur.

2. Learned counsel for the applicant submits that when the custody petition was filed before the Family Court at Nagpur, the minor child was with the parents of the respondent at Nagpur. But, the respondent in his reply before the Family Court at Nagpur stated that the minor child is now in Mumbai,

along with the respondent who himself is residing in Mumbai. It is also brought to the notice of this Court that an application filed under the provisions of the Protection of Women from Domestic Violence Act, 2005, is pending before the Court of Magistrate at Mumbai.

3. Although the learned counsel appearing for the respondent has opposed the prayer made in the present application, this Court is convinced that sufficient grounds are made out in the application for seeking transfer of the proceedings. This is because, admittedly both parties are now residing at Mumbai. The minor child is also stated to be residing in Mumbai. The proceeding under the provisions of the Protection of Women from Domestic Violence Act, 2005, is also admittedly pending before the competent Court at Mumbai, which the respondent is defending at Mumbai.

4. In view of the above, application is allowed in terms of prayer clauses (1) and (2) which read as follows :-

(1) Allow this application & transfer the Petition No.D/05/2020 pending on the files of learned Principal Judge, Family Court, Nagpur

to the learned Family Court at Mumbai or any other Court having jurisdiction to try the petition.

(2) To transfer the Petition No.A/518/2018 pending on the files of learned Principal Judge, Family Court, Nagpur to the learned Family Court at Mumbai or any other Court having jurisdiction to try the petition.

**JUDGE**