

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.48 OF 2021

Shubhangi Vithalrao Shendge
alias Shubhangi Dnyaneshwar Ghodke & Ors. .. Applicants

Vs.

Vithalrao Sadashiv Shendge .. Respondent

.....
Ms. Shraddha Khandhadia for the applicants
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 10th APRIL, 2023

P.C.

1. This is an application seeking transfer of petition filed by the husband under Section 8 of the Guardians and Ward Act from the Court of Civil Judge, Senior Division, Malshiras, Dist. Solapur to Civil Judge, Senior Division, Thane or in the Family Court at Thane.

2. The petitioner no.1 and the respondent no.1 are husband and wife and are practicing doctors. Despite service, none for the respondents.

3. I heard Ms. Khandhadia, learned Counsel for the applicants. She has invited my attention to the earlier order dated 19th December 2012 passed by this Court in Misc. Civil Application No.96 of 2010 by which, this Court upon an application moved by the applicant-wife, transferred Marriage Petition No.73 of 2010 filed by the respondent-husband from the Court of Civil Judge, Senior Division, Malshiras to the Court of Civil Judge, Senior Division, Thane.

4. Learned Counsel has also invited my attention to the fact that the petition seeking dissolution of marriage by the husband in the Court of Civil Judge Senior Division, Malshiras bearing Marriage Petition No.73 of 2010 came to be dismissed by the said Court on 21st February, 2012.

5. It is submitted that due to the nature of work, it is difficult for the petitioner to attend the Court at Malshiras as she has a shift duty. It will be difficult for the petitioner to get leave frequently to attend the Court proceedings at Malshiras, which is at a long distance from Thane. The petitioner no.3 is also said to be a doctor practicing at Thane and, therefore, it will not be possible for

him to attend the Court.

6. The petitioner no.2 is a senior citizen aged about 70 years having various ailments and, therefore, it would also be difficult for her to attend the Court at Malshiras. It is submitted that a petition, under the Guardians and Ward Act has been preferred only in order to harass the petitioner.

7. Having considered the grounds of transfer as well as the earlier orders passed by this Court, I do not see any reason to refuse the prayer of the applicants. As such, following order is expedient :-

ORDER

(i) The petition is allowed in terms of prayer clause (a), which reads as under:-

“(a) This Hon’ble Court be pleased to pass an order/direction thereby transferring the custody petition/ Miscellaneous Petition / Application No.15 of 2020 filed from the Court of Civil Judge, Senior Division, Malshiras, Dist. Solapur, to the Court of Civil Judge, Senior Division, Thane or to the Family Court, Thane at Thane.”

(ii) The Misc. Civil Application No.15 of 2020 filed by the respondent-husband at the Civil Judge, Senior Division, Malshiras stands transferred to the Family Court at Thane.

(iii) Let the Marriage Petition No.A-511 of 2018 be clubbed with the MCA No.15 of 2020.

8. Application stand disposed of.

(PRITHVIRAJ K. CHAVAN, J.)