

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

MISC. CIVIL APPLICATION (MCA) NO. 50/2023

Mrs. Bhagyashree W/o Parag Bhat Nee: Bhagyashree D/o Sanjeev Parkale
Vs.

Shri Parag S/o Shirish Bhat

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

Court's or Judge's orders

Shri R.D. Dharmadhikari with Shri S.S. Chopde, Advocate for appellant
Shri Rohan Bhisikar, Advocate for respondent

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 02/08/2023

Present application is filed by wife/applicant for transfer of proceedings i.e. HMP No. 1986/2022, pending before the Civil Judge Senior Division, Kalyan to the Family Court, Nagpur.

2. The applicant is legally wedded wife of respondent and their marriage was performed on 28/11/2019, at Dombivali. It was second marriage of both the applicant and respondent. They blessed with a son on 27/01/2022. The baby was delivered at Nagpur. The proceedings were filed by respondent on 07/11/2022. The notice issued by Civil Judge Senior Division, Kalyan is served

on the address of the applicant at Nagpur and returnable date was 17/01/2023. This Court vide order dated 17/01/2023 stayed the proceedings pending before Civil Judge Senior Division, Kalyan.

3. Considering the distance and small child aged one year, the applicant prayed for transfer of the proceedings at Family Court, Nagpur.

4. The learned Counsel for respondent vehemently opposed the application and relied on judgment of this Court in MCA No. 542/2021 dated 22/02/2023.

5. I have gone through the said judgment and heard the argument advanced by learned Counsel for both the parties. The facts involved in the matter before this Court in MCA No. 542/2021 are distinguishable from the facts involved in this matter. As applicant is having one year old child and she is working from Nagpur, though her reporting office is at Pune, as such, it would be inconvenient for applicant to travel 700-800 k.m. along with the small child to attend dates. There is nobody to accompany her or to take care of the small child to attend the dates. As parents are also old aged.

6. Every proceeding for transfer has to be seen on

its own merit. In my considered opinion, there is no inconvenience will cause to the respondent, in comparison to the inconvenience going to cause to the applicant to attend the proceedings at Nagpur. As such, in the interest of justice, it would be appropriate to transfer the proceeding. Accordingly, I proceed to pass the following order :

ORDER

- i) Application is allowed.
- ii) Hindu Marriage Petition No. 1986/2022 (Shri Parag Shirish Bhat Vs. Sau. Bhagyashree Parag Bhat), is hereby withdrawn from the file of Civil Judge Senior Division, Kalyan and transferred to Family Court at Nagpur.
- iii) Learned Principal Judge at Kalyan to facilitate transfer.

Application stands disposed of.

Interim order stands vacated.

(SMT. M.S. JAWALKAR, J.)