



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

MISC. CIVIL APPLICATION NO. 438/2023

Mrs. Aarti W/o Narendra Yadav

Vs.

Shri Narendra S/o Ramas Yadav

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

Court's or Judge's orders

Shri S.A. Dutonde, Advocate for applicant

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

DATE : 16/10/2023

Heard learned Counsel for applicant.

2. None for non applicant though served, and fair opportunity was granted.

3. Present application is filed for transfer of the petition pending on the file of Additional District Judge, Bhusawal, District Jalgaon to Additional District Judge, Khamgaon. It is submitted that applicant is legally wedded wife of non applicant. Their marriage was performed on

30/04/2013 at Nandura, District Buldhana. They were blessed with son namely Master Lav and daughter Vaishnavi. Due to ill treatment, she along with her children constrained to leave her matrimonial house and residing at her parents house since 19/04/2019. The non applicant filed application under Section 7 of Guardian and Wards Act for appointment of non applicant as a guardian of the children and for custody against the applicant bearing application No. 1/2021, before learned Additional District Judge, Bhusawal, District Jalgaon. The non applicant has also filed application under Section 13 (1-A) for grant of decree of divorce on 21/01/2023 against the applicant at Civil Judge, Senior Division, Bhusawal.

4. The distance between Nandura to Bhusawal is around 90 k.m. Having responsibility of two small children, it is difficult for applicant to attend the matters at Bhusawal.

5. I have heard learned Counsel for applicant. The convenience of wife needs to be considered while deciding transfer application. In view of the fact that she is having custody of minor children aged about 4 and 8 years, who is residing at Nandura, District Buldhana, it would be

convenient to attend the Khamgaon Court. The Khamgaon Court is having jurisdiction to deal with the matter of custody. It would be appropriate to transfer the proceeding as prayed for. Accordingly, I proceed to pass the following order.

ORDER

- (i) M.C.A. No. 1/2021 pending on the file of Additional District Judge Bhusawal, District Jalgaon, filed by non applicant, is hereby withdrawn and transferred to Additional District Judge, Khamgaon, District Buldhana.
- (ii) H.M.P. No. 33/2023 pending on the file on 2nd Joint Civil Judge Senior Division, Bhusawal, District Jalgaon, filed by non applicant is hereby withdrawn and transferred to Civil Judge Senior Division Khamgaon, District Buldhana.
- (iii) Principal Judge, Bhusawal, is hereby requested to facilitate the transfer.

Application stands disposed of.

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