

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

Misc. Civil Application No.300 of 2024

Poonam Sachin Sahare ... Applicant
V/s.
Sachin Sarad Sahare ... Respondent.

Mr. Rajesh Xavier Machado	Advocate for the Applicant.
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CORAM : S.M. MODAK, J

DATE : 22 November 2024.

P.C. :

Heard learned Advocate for the applicant-wife.

2. The applicant-wife wants transfer of Restitution Petition filed by the respondent-husband before the Family Court at Nagpur to the Court of Civil Judge Senior Division at Kalyan. She is residing at Ambernath along with her two years old son. The child is medically unfit. Earlier, the matrimonial house was at Pune but now the husband has shifted to Nagpur, his native place and that is why it is filed before Nagpur Court. Though, this Court has not issued notice, the Respondent is served privately. The affidavit is taken on record. Respondent-husband has not appeared.

3. Considering the reasons mentioned in the application, application is allowed and following order is passed:-

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ORDER

- i) The Application is allowed.
 - ii) The proceedings in Petition No. A/1647/2022 are transferred from Family Court, Nagpur to the Court of Civil Judge Senior Division at Kalyan.
 - iii) Prior to transfer, the Family Court, Nagpur is directed to issue directions to the husband to appear before the Kalyan Court by fixing a date.
 - iv) The applicant-wife is directed to appear before Kalyan Court on her own without notice. It is for her to verify that the proceedings are transferred to Kalyan Court. She need not be issued a fresh notice.
4. All concerned to act on an authenticated copy of the order.

(S.M. MODAK, J.)