

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

MISC. CIVIL APPLICATION NO. 376 OF 2024

Mrs. Swara Karn Shah ...Applicant

Versus

Mr. Karn Vikram Shah ...Respondent

....

Mr. Advait Tamhankar, Advocate for the Applicant.

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CORAM : MILIND N. JADHAV, J.

DATE : 16th AUGUST, 2024.

P.C.:

1. Marriage petition between parties is pending before the Family Court at Bandra. Application seeks transfer of custody petition of minor daughter pending before the District Court, Thane to the Family Court at Bandra so that it is easier for the Applicant to prosecute the same. Respondent is resident of Canada and he is represented by his father as his constituted power of attorney, who resides in Borivali.

2. An arguable case is made out by Mr. Tamhankar for grant of the present application and issuance of notice.

3. Issue notice to the Respondent. Humdast permitted.

4. In addition to Court's notice, Applicant is directed to serve copy of the application along with copy of this order and

constituted power of attorney on the Respondent and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

5. Respondent shall take cognizance of this order and the application file his objection before the next date, failing which this Court shall determine the application in accordance with law.

6. After receiving the notice, Respondent to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Applicant.

7. Respondent is directed to remain present either by himself or through his Advocate or through video conferencing on the next adjourned date. It is made clear that if Respondent remains absent despite service on the next adjourned date, this Misc. Civil Application shall be heard and disposed of at the stage of admission in the absence of the Respondent.

8. **Stand over to 23rd August, 2024.**

(MILIND N. JADHAV, J.)