



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

Civil Application [MCA] No.34 of 2024

Ku. Himanshi d/o Anil Gajbhiye and others
vs.
Shri Anil s/o Gulab Gajbhiye

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. Naman Bhangde h/f Mr. A.K. Bhangade, Advocate for the Applicants.

CORAM : M.W. CHANDWANI, J.
DATE : 7th MARCH, 2024.

By the present application, the applicants are seeking transfer of application bearing M.C.A. No.28/2022 filed by the non-applicant under Section 7 read with Section 25 of the Guardians and Wards Act, 1890 (hereinafter referred to as “the Act” for short) for the custody of applicant Nos.1 and 2, pending on the file of the learned District Judge, Gadchiroli to the Court of learned Principal Judge, Family Court at Nagpur.

02] The non-applicant though served but, did not appear.

03] The non-applicant is father of applicant Nos.1 and 2, whereas applicant Nos.3 and 4 are maternal uncles of applicant Nos.1 and 2. The transfer of the said application is sought on the ground that applicant Nos.1 and 2, whose custody is sought by the non-applicant, reside with applicant Nos.3 and 4 at Nagpur and therefore, as per Section 9 of the Act, the said application shall lie before the District Court/Family Court, Nagpur where the minors ordinarily reside.

04] It appears that the applicants have also raised objection before the learned District Judge, Gadchiroli about jurisdiction contending that the District Court, Gadchiroli is having no jurisdiction to try and adjudicate the application for custody of minor child, since the minors, of whom the custody is sought, are ordinarily residing beyond its territorial jurisdiction.

05] Since, the applicants have raised the objection before the District Judge, Gadchiroli and the said objection is yet to be decided, in my view, the petition can be disposed of by giving direction to the District Judge, Gadchiroli.

06] The learned District Judge, Gadchiroli is directed to decide objection (Exh.9) filed in M.C.A. No.28/2022 by the non-applicant/father, pending on his file, within a period of one month from the receipt of this order.

Corrected as
per Court's
order dated
14/03/2024

07] In view of the above, the present civil application is disposed of with no order as to costs. Needless to say, any adverse order is passed, the applicants will be at liberty to challenge the same before the appropriate Court.

JUDGE

**sandesh*