



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

MISC. CIVIL APPLICATION NO. 644 OF 2024

Sau Vaishali W/o. Amit Samant (Vaishali D/o. Sanjay Jambhulkar)

.vs.

Shri Amit Nana Samant

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

Ms Jyoti R. Damodar (Dongre), Advocate for the applicant
None for the non-applicant

CORAM : G.A. SANAP J.

DATE : OCTOBER 25, 2024

This is an application for transfer of HMP No. 529 of 2019 from the Court of Civil Judge Senior Division, Panvel to the Family Court, Nagpur.

2. The non-applicant despite service has not appeared before this Court.

3. It is the case of the applicant that on account of marital discord she has been residing with her parents at Nagpur alongwith her nine year old son. The proceeding has been filed by the husband for divorce in the Court of Civil Judge Senior Division, Panvel. It is stated that the applicant has no source of income. The husband has not made a provision for their maintenance. She has been finding it very difficult to attend the Court at Panvel. It is

submitted that, therefore, the case be transferred from the Court of Civil Judge Senior Division, Panvel to Family Court at Nagpur.

4. I have gone through the record and proceedings. The non-applicant has failed to appear before this Court and therefore, the facts stated in the application have remained unchallenged and uncontroverted.

5. Learned Advocate for the applicant submitted that the applicant has applied for admission of her son at Kendriya Vidyalay, Nagpur. The Regional Board has approved the transfer of her son from Kendriya Vidyalay, Panvel to Kendriya Vidyalay, Nagpur. However, it is submitted that the transfer certificate has not been issued by the Kendriya Vidyalay, Panvel because no objection of the husband is required. The husband is not giving no objection. Learned Advocate submitted that the necessary directions may be given either to the husband or to Kendriya Vidyalay, Panvel. In my view, for this purpose the applicant would be require to file an appropriate proceeding. Such a direction cannot be issued while deciding the transfer application.

6. The facts stated in the application clearly shows that the applicant residing at Nagpur would be require to attend the Panvel Court for contesting the case filed by the husband. The distance between Nagpur and Panvel is 850 k.m. In view of the facts stated in the application, I am satisfied that the grievance of the applicant that she has been facing hardship, difficulties and inconvenience while attending the Court at Panvel is believable. I do not see any reason to discard and disbelieve her statement. Hence, the following order.

ORDER

- (1) The Misc. Civil Application is allowed.
- (2) The marriage petition bearing HMP No. 529 of 2019 pending on the file of Civil Judge Senior Division Panvel be transferred to the Family Court, Nagpur.
- (3) The civil application stands **disposed of**, in the aforesaid terms. No order as to costs.

(G. A. SANAP, J)