



Meena

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**TRANSFER APPLICATION NO.5 OF 2024**

B.M. SUMAN

... APPLICANT

Versus

SHASHIKANTH BHAGAVAN

... RESPONDENT

Mr Abhishek Sawant, Advocate Under Legal Aid Scheme for the Applicant.

Ms Apeksha Kalokhe, Advocate for the Respondent.

**CORAM:- VALMIKI MENEZES, J.**

**DATED :- 29th January, 2025**

P.C.:

1. This is an application under Section 24 CPC seeking the transfer of a matrimonial petition for divorce registered being Matrimonial Petition No.110/2019/C, pending before the Civil Judge Senior Division Mapusa(now A Court) to the file of any Civil Judge of the Senior Division within the territorial jurisdiction of the Tiswadi Courts. The application is moved by the Applicant/wife on the ground that at the time when the proceeding was instituted, her residence was at Porvorim, Bardez within the jurisdiction of the Bardez Courts and she has now moved her residence to Old Goa along with two children, within the jurisdiction of the Panaji Court.

2. After service on the respondent's husband, learned Advocate Ms.

Apeksha Kalokhe appearing for the Respondent has no objection to the transfer of the Matrimonial Petition to Panaji jurisdiction. Accordingly, Matrimonial Petition No110/2019/C pending before the Civil Judge Senior Division Mapusa (A Court) shall stand transferred to the file of the Civil Judge Senior Division at Panaji. The Registry to inform the Superintendent of the 'A' Court at Mapusa of this order, who shall act accordingly and have the concerned file transferred to the file of Civil Judge Senior Division 'A' Court at Panaji.

3. The parties shall appear before the Civil Judge Senior Division 'A' Court Panaji on 03/03/2025 at 2.30pm, which was otherwise the date fixed by the Civil Court at Mapusa.

4. The applicant further seeks transfer of PWDVA Case No.27/2019/C pending before the JMFC, Mapusa (now A Court) on the very same ground. The Respondents have no objection to such transfer. However, in terms of proviso to sub Section (2) of Section 447 of the BNSS, no application for transfer of a criminal case from one Criminal Court to another Criminal Court within the same Sessions Division, should be granted unless an application for such transfer has been made to the Sessions Judge, and such application has been rejected. It is not in dispute that the parties have not applied to the Sessions Court, North Goa, in the present case for a transfer of the DVA case no.27/2019/C from the JMFC, A Court, Mapusa to the JMFC, Panaji on the aforementioned grounds. In that view of the

matter, the transfer of the DVA case would be required to be considered by the Sessions Court, North Goa at Panaji on the applicant filing an appropriate application for such transfer. In the event of such an application being made before the Sessions Court for transfer of the proceeding, the Sessions Court shall consider the fact that the Respondent has no objection to transfer the DVA proceedings to the same Court to which the matrimonial proceedings have now been transferred to 'A' Court at Panaji, which Court also acts as JMFC.

5. The application stands allowed to the aforesaid extent.

**VALMIKI MENEZES, J.**