



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

MISC. CIVIL APPLICATION NO. 173/2025

Vaishnavi d/o. Ghanshyam Mahulkar

Vs.

Gururaj s/o. Nagesh Swami

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. V. Gahilot, Advocate for Applicant.
Mr. Aniket Sawal, Advocate for Non-applicant.

CORAM : MRS.VRUSHALI V. JOSHI, JJ.

DATED : 11/07/2025.

. The applicant has filed this application to seek transfer of the proceedings bearing Civil M. A. No.10/2024 pending before the Family Court at Solapur under the Guardians and Wards Act, 1890 for custody of child in the Family Court at Nagpur.

2. The learned Counsel for the applicant has stated that the applicant and the non-applicant have obtained the divorce by way of Consent Terms. They have one daughter out of said wedlock. In consent terms, they have decided that the three days custody will be given to the non-applicant per month. As the custody was not handed over to the non-applicant for three days as per the consent terms, the non-applicant has filed the petition for custody of child in the Family Court at Solapur.

3. The learned Counsel for the applicant has stated that the daughter is of eight years. She is taking education in 2nd standard. It is difficult for her to take the child at Solapur, which is 516 kilometer from Nagpur and it will be not possible for her to take her child in every month,

hence, prayed to transfer the matter which is pending in the Family Court at Solapur to the Family Court at Nagpur.

4. The learned Counsel for the non-applicant has stated that as the applicant has not given access to the child when he came with her grandmother, the applicant has filed the application for custody. As per consent terms, it was settled between the parties that the applicant will give access to the child.

5. Heard both the learned Counsel for the parties.

6. The matter is filed before the Family Court at Solapur for custody. The distance between Solapur to Nagpur is about 516 kilometer. As such, it will be inconvenient for the applicant to attend the proceedings along with child at Solapur Court. In custody matter, the jurisdiction goes to the Court where the child resides. The child is staying with the applicant i.e. her mother at Nagpur, the Nagpur Court has jurisdiction to entertain the proceedings for custody. Hence, I pass the following order :

- i] The application is allowed.
 - ii] The petition bearing Civil M. A. No.10/2024 pending before the Family Court at Solapur is hereby transferred to the Family Court at Nagpur.
7. The application stands disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)