



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

MISC. CIVIL APPLICATION (TR) NO. 377 OF 2025

Lubina Shireen Akhlak Beg Mirza Vs. Akhlak Beg Anwar Beg Mirza

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Syed Salman Ali, Advocate for applicant.

CORAM : M.W. CHANDWANI, J.

DATE : 07.08.2025.

1. By the present application, the applicant is seeking transfer of the divorce petition filed by the non-applicant bearing Regular Civil Suit No.80 of 2024 pending on the file of Civil Judge Junior Division, Bhadgaon, District Jalgaon to the Court of Civil Judge Junior Division, Khamgaon, District Buldhana.

2. The contention is that, the applicant is taking care of her two year old son. The father of applicant has recently passed away. A copy of the death certificate has been tendered across the bar which is taken on record and marked as "X" for identification. Other three proceedings filed at the instance of the applicant are pending before the learned Civil Judge Junior Division, Khamgaon. The non-applicant in any case, will have to attend those proceedings.

3. Though, the notice was served, the non-applicant chose not to appear. The contention of the applicant

remains uncontroverted since no counter-affidavit has been filed by the non-applicant.

4. The applicant is currently taking care of her two year old child. The applicant will also have to attend other proceedings before the Civil Judge Junior Division, Khamgaon and therefore, it would be inconvenient for the applicant to attend the proceedings before the Civil Judge Junior Division, Bhadgaon, District Jalgaon leaving her two year old son at home. In the case of ***N.C.V Aishwarya vs. A.S. Saravana Karthik Sha***¹, the Supreme Court has observed that convenience of the wife is to be taken into consideration. Considering the above, a case is made out for transfer of the proceedings.

5. The application is allowed.

6. Regular Civil Suit No.80 of 2024 pending on the file of Civil Judge Junior Division, Bhadgaon, District Jalgaon is directed to be transferred to the Court of Civil Judge, Junior Division, Khamgaon, District Buldhana.

7. The application stands disposed of.

(M.W. CHANDWANI, J.)

Tanmay

¹ 2022 LiveLaw (SC) 627