



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

MISC. CIVIL APPLICATION NO. 101 OF 2025

Huma Nausheen w/o Humayun Asghar
Ansari (Name Before Marriage : Huma
Nausheen d/o Ishrat Ullah Khan), Aged
about : 33 Years, Occupation : Nil; R/o C/o
Ishrat Ullah Khan, Hazrat Umar Farooque
Marg, Vasant Nagar, Pusad, Tahsil Pusad,
District Yavatmal-445204.

... APPLICANT

VERSUS

Humayun Asghar Ansari s/o Ghalib Qamar
Ansari, Aged about : 37 Years, Occupation :
Business, R/o In front of Ashraful Masjid,
Lashkari Bagh, Nagpur.

... RESPONDENT

Mr. A. Z. Mirza, Advocate for Applicant.
None for the Respondent.

CORAM : PRAVIN S. PATIL, J.
DATE : JANUARY 28, 2026.

ORAL JUDGMENT

. Heard Mr. A. Z. Mirza, learned Counsel for the Applicant. None
appeared for the Respondent, though served.

2. In the present proceeding this Court, vide order dated 12/2/2025,
issued notice to the Respondent. The notice was not served by the regular
mode. Hence, this Court, by order dated 16/12/2025, permitted the Applicant

to serve the Respondent by substitute service i.e. paper publication. Accordingly, the Respondent is served by way of paper publication. In this regard the documents of service effected on Respondent by the mode of substitute service are filed on record by the Applicant. However, none appeared on behalf of the Respondent in the matter.

3. By way of present Application, Applicant is seeking transfer of the proceeding bearing Civil Misc. Application No. 166/2024 filed by the Respondent under Section 25 of the Guardian Wards Act pending on the file of District Judge-18 and Additional Sessions Judge, Nagpur to the District and Additional Sessions Judge, Pusad, District Yavatmal.

4. It is the submission of the present Applicant that custody of the child, who is eight years old, is with the present Applicant. The distance between Nagpur to Pusad is around 270 kms., and therefore, it is very inconvenient for the Applicant/wife to travel such a long distance along with a minor child. It is also pointed out that parents of the Applicant are suffering from various ailments. In view of this factual aspect, Applicant is seeking transfer of the proceeding. The averments are made by the Applicant on affidavit. The same are not controverted, as none appeared on behalf of the Respondent in the matter.

5. It is pertinent to note that the proceeding which is filed by the Respondent/husband is for the custody of minor child. Therefore, considering the fact that the minor child is residing with the present Applicant at Pusad, it will be convenient that proceeding be transferred to the District and Additional Sessions Court at Pusad.

6. It is also pointed out that there are three other proceedings pending at Pusad, *viz* - (i) proceeding under Section 125 of the Code of Criminal Procedure for maintenance; (ii) proceeding under Section 12 of the Protection of Women from Domestic Violence Act; and (iii) proceeding initiated on the complaint of the Applicant under Section 498-A of IPC. It is also pointed out that Respondent is attending the proceeding at Pusad.

7. In the above facts and circumstances of the matter, in my opinion, no prejudice would be caused to the Respondent, if the proceeding is transferred from Nagpur to Pusad. On the contrary, it will be proper and convenient for the parties to decide all the petitions at one station. Hence, for the aforesaid reasons I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.

2. Civil Misc. Application No. 166/2024 filed by the Respondent under Section 25 of the Guardian Wards Act pending on the file of District Judge-18 and Additional Sessions Judge, Nagpur is hereby transferred to the District and Additional Sessions Judge, Pusad, District Yavatmal.
3. The District Judge-18 and Additional Sessions Judge, Nagpur is requested to transfer the R & P of the Misc. Civil Application No. 166/2024 to the District and Additional Sessions Judge, Pusad.
4. The parties to appear before the District and Additional Sessions Judge, Pusad on 16th February, 2026.

[PRAVIN S. PATIL, J.]