

2023 SCC OnLine Bom 1748

In the High Court of Bombay at Goa
(BEFORE PRAKASH D. NAIK, J.)

Devika Wadkar ... Applicant;

Versus

Venancio Pereira ... Respondent.

Miscellaneous Civil Application (Main) No. 4 of 2023

Decided on August 22, 2023

Advocates who appeared in this case :

Mr. Eeshan Usapkar, Advocate for the applicant.

Mr. S. Dessai, Advocate for the Respondent.

The Judgment of the Court was delivered by

PRAKASH D. NAIK, J.:— Heard both sides.

2. The petitioner has initiated matrimonial petition before the Court of Civil Judge Senior Division at Mapusa vide MP No. 01/2021/A. The said petition was filed on 02.01.2021.

3. The petitioner husband has preferred Civil Miscellaneous Application No. 29/2021/I before the Court of First Additional Civil Judge Senior Division, Margao praying for the decree of custody of the minor child.

4. The petitioner is seeking transfer of the proceedings initiated by the respondent in the Court at Margao to the Court at Mapusa where she has initiated the divorce proceedings.

5. Learned counsel for the petitioner submitted that the proceedings initiated by the petitioner are pending since long. There were about more than 25 hearings. The petitioner is looking after the child. The custody proceedings were initiated by respondent subsequently. It would be convenient for both the parties to attend the proceedings at Mapusa.

6. Learned counsel for respondent submitted that the proceedings initiated in the Court at Margao are relating to divorce and custody. The proceedings were adjourned from time to time and were listed before the Court about more than 25 times. The petitioner had refrained from filing reply in the said proceedings. No hardship will be caused to the petitioner to attend the said proceedings.

7. There is a matrimonial dispute between the petitioner and respondent. The respondent is husband of petitioner. The petitioner moved proceedings for divorce from the respondent which are pending before the Court at Mapusa. In fact, it would be convenient for both the

sides to attend the proceedings in one Court. Petitioner is required to look after the child aged around 8 years. Considering the issue involved in the proceedings it would be appropriate to transfer the proceedings pending in the Court at Margao to the Court at Mapusa. Both matters could be heard by same Court.

ORDER

- (i) Miscellanecous Civil Application (Main) No. 4 of 2023 is allowed.
- (ii) The proceedings in CMAP No. 29/2021/I pending before the Court of First Additional Civil Judge Senior Division, Margao be transferred to the Court of Civil Judge Senior Division, 'A' Court, at Mapusa-Goa and to be heard along with MP No. 01/2021/A and be listed before one Court.
- (iii) The trial Court at Mapusa is requested to hear both the matters on the same date.
- (iv) Miscellaneous Civil Application (Main) No. 4/2023 is disposed of.

—————

Disclaimer: While every effort is made to avoid any mistake or omission, this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification is being circulated on the condition and understanding that the publisher would not be liable in any manner by reason of any mistake or omission or for any action taken or omitted to be taken or advice rendered or accepted on the basis of this casenote/ headnote/ judgment/ act/ rule/ regulation/ circular/ notification. All disputes will be subject exclusively to jurisdiction of courts, tribunals and forums at Lucknow only. The authenticity of this text must be verified from the original source.