

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1580 OF 2015

Mohan Khimji Maru.] ... Petitioner

Versus

Bhavna Mohan Maru.] ... Respondent

Mr. Hakim Salim A. R. for Petitioner.

CORAM :- M. S. SONAK, J.

DATE :- SEPTEMBER 07, 2015

P. C. :-

1. This petition challenges order dated 01/12/2014 by which the Civil Judge Senior Division, Kalyan, has declined to stay Marriage Petition No.949 of 2013, in which, the Respondent-Wife has applied for restitution of conjugal rights.

2. The learned Counsel for Petitioner has submitted that the Petitioner has instituted the proceedings of divorce before the Family Court at Bandra and since such proceedings were instituted prior to Marriage Petition No.949 of 2013, the principles of Section 10 of CPC will apply and the subsequent proceedings i.e. Marriage Petition No.949 of 2013 are required to be stayed.

3. The record indicates that the proceedings instituted by the Petitioner are for divorce. No sooner such proceedings are instituted, it is not as if, marital ties are snapped. Accordingly, there is no reason to stay Marriage Petition No.949 of 2013. The Trial Court, has rightly observed at para 2 of the impugned order that either party, may apply for transfer of proceedings before the appropriate forum, so that the two proceedings can be taken up for consideration together.

4. In view of the aforesaid liberty already granted by the Trial Court, there is no reason to entertain the present Writ Petition. Writ Petition is accordingly dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Order.