

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.46 OF 2015

Mrs.Sonali Paresh Bhise .. Applicant

vs.

Mr.Paresh Sanjay Bhise .. Respondent

Ms.Swapnali Patil for the applicant

Mr.Paresh S. Bhise, respondent present in person

CORAM : K.K.TATED, J.
DATED : 23/09/2015

PC:

1 Heard the learned counsel for the applicant.

2 This application is filed by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of Marriage Petition No.1006 of 2014 filed by respondent husband under section 13(1)(ia) of the Hindu Marriage Act for divorce before the 8th Joint Civil Judge, Senior Division, Pune to the Family Court at Bandra, Mumbai.

3 The learned counsel for the applicant filed additional affidavit dated 23.9.2015, stating that applicant also wants divorce in the present proceeding considering the respondent's earlier behaviour. The said affidavit is taken on record.

4 The learned counsel for the applicant submits that applicant is a household wife. She does not have any source of income. At present she is residing in Mumbai along with her parents. She has to maintain her minor child. Hence, it is very difficult for her to attend on each and every date in Pune for Divorce Petition filed by respondent husband.

5 Advocate for the applicant submits that in the interest of Justice, this Hon'ble Court be pleased to transfer the Marriage Petition filed by respondent husband from Pune to the Family Court at Bandra, Mumbai and expedite the hearing of the same.

6 On the other hand, respondent party in person submits that matter can be proceeded in Pune only. He submits that if the matter is transferred from Pune to Mumbai it will be very difficult for him to attend on each and every date as he is in service at Pune.

7 Heard both the sides at length. In the present proceeding, application is filed by wife for transfer of Divorce Petition filed by respondent husband in Pune to the Family Court at Bandra, Mumbai on the ground that she does not have any source of income. At present she is residing with her parents and she has to look after her minor child.

8 Considering the submissions made by the applicant wife and the averments made in the Application and as applicant has to maintain her minor child, I am of the opinion that matter can be transferred from Pune to Mumbai for hearing on its own merits.

9 Considering the facts and circumstances of the present case, I am of the opinion that the hearing of Divorce Petition filed by respondent husband be heard as early as possible. Hence, following order:

- a) Office of the 8th Joint Civil Judge, Senior Division at Shivaji Nagar, Pune is directed to transfer papers and proceedings of Marriage Petition No.1006 of 2014 to the Family Court at Bandra, Mumbai for hearing and final disposal on its own merits.
- b) Both the parties to remain present in Family Court at Bandra, Mumbai on 23.10.2015 for fixing date of hearing.
- c) Considering the facts and circumstances of the present case, hearing of Divorce Petition filed by respondent husband is expedited. This court expects that Family Court, at Bandra, Mumbai to dispose of Marriage Petition as early as possible but in any case within six months from the receipt of papers.
- d) Misc. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)

CERTIFICATE

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