

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

MISC. CIVIL APPLICATION NO.114/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mrs. Indrayani Patani for the Applicant
Mr. Kuldeep U. Nikam for the Respondent.

CORAM : K. K. TATED, J.

DATE : SEPTEMBER 8, 2015

P.C.:

1. Heard. This Application is filed by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of divorce petition filed by Respondent wife bearing P.A.No.164/2015 in Family Court Pune to Family Court, Nasik.

2. The learned counsel for the Applicant submits that the Applicant has no source of income. The distance between Nasik and Pune is more than 250 km. She submits that there is no direct train facility available between these two cities. She submits that the Applicant has to travel more than 8-10 hrs to reach Pune from Nasik. She submits that in the interest of justice, the divorce petition filed by the Respondent husband at Family Court at Pune be transferred to the Family Court at Nasik.

3. On the other hand, the learned counsel for the Respondent husband vehemently opposed the Civil Application.

4. The learned counsel for the Respondent, after taking instructions from the father of the Respondent, who is present in court, states that they have no objection if the matter is transferred to Nasik, however, hearing thereof may be expedited.

5. Considering the submissions made by the learned counsel for the parties and the no-objection given by the Advocate for the Respondent, by consent following order is passed:

a. Divorce Petition No. P.A.164/2015 filed by the Respondent Mr. Ameya Avinash Saraf in the Family Court at Pune is transferred to the Family Court at Nasik for hearing and final disposal on merits.

b. The Applicant wife Mrs. Harshada Ameya Saraf is directed to file her written statement within 3 weeks from the date of transfer of the matter to the Family Court at Nasik.

c. Hearing of the Divorce Petition filed by the Respondent husband is expedited.

d. This court expects that the Family Court, Nasik would dispose of the divorce petition filed by the Respondent husband, finally, as early as possible but in any case within nine months the date of receipt of papers.

e. The Family Court at Pune is directed to send the papers and proceedings in P.A.No.164/2015 to the Family Court Nasik, at the earliest.

f. Parties are directed to remain present before the Family Court at Nasik on 03/10/2015 for fixing date of hearing.

g. Liberty granted to the Respondent husband to make an appropriate Application before the Trial Court for fixing the same date in both the present matter i.e. divorce petition as well as the Application filed by wife under the Protection of Women from Domestic Violence Act, 2005.

h. Misc. Civil Application stands disposed off accordingly.

JUDGE

CERTIFICATE

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