

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

MISC. CIVIL APPLICATION NO.92/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Vivek V. Salunkhe for the Applicant
Mr. Mujahid Shakeel h/f. R. M. Momin for the Respondent.

CORAM : K. K. TATED, J.

DATE : SEPTEMBER 3, 2015

P.C.:

1. Heard. This Application is made by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of Regular Civil Suit No.474/2013 filed by Respondent husband in the court of Civil Judge, Senior Division, Sangli for restitution of conjugal rights, to the Family Court at Bandra, Mumbai.

2. The learned counsel for the Applicant submits that the Applicant has 1 ½ year child. The distance between the Mumbai and Sangli is near about 400 km. It is very difficult for her to attend each and every date at Sangli along with her child. He further submits that the Respondent husband, with *mala fide* intention, filed Regular Civil Suit at

Sangli to harass the Applicant. He submits that the Respondent husband is residing at Thane. In support of this contention, the learned Advocate for the Applicant relies on letter dated 17/04/2013 issued by the Respondent to the Plaintiff. He further submits that even in a ration card, the Respondent husband's address is of Thane District. Apart from that, the Advocate for the Applicant relies on a Government Gazette dated 29/12/2011 in which the Respondent's address is shown of Thane District. On the basis of this submission, the learned counsel for the Applicant submits that this Hon'ble Court be pleased to transfer Regular Civil Suit No.474/2013 filed by the Respondent husband in the court of Civil Judge, Senior Division, Sangli to the Family Court at Bandra, Mumbai. He submits that if the present Application is not allowed, irreparable loss, harm and injury will be caused to the Applicant.

3. On the other hand, the learned counsel for the Respondent submits that they have no objection, if the matter is transferred from Sangli to Mumbai. He submits that in the interest of justice, this Hon'ble Court be pleased to expedite the hearing of the matter at Mumbai.

4. Considering the submissions made by the learned counsel for the Applicant and as the Respondent has no objection for allowing the Civil Application, following order is passed:

a. Regular Civil Suit No.474/2013 filed by the Respondent husband in the court of Civil Judge, Senior Division, Sangli for restitution of conjugal rights is transferred to the Family Court, at Bandra, Mumbai.

b. Hearing of Regular Civil Suit No.474/2013 is expedited.

c. Misc. Civil Application stands disposed of accordingly.

JUDGE