

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

MISC. CIVIL APPLICATION NO. 94 OF 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. Sachin Chavan i/b Rajan Pawar for the applicant.

Mr. Mohan Ahmed Jafri for the respondent.

CORAM : K. K. TATED, J.

DATED : 12/10/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is filed by wife under Section 24 of Code of Civil Procedure, 1908 for transferring the application filed by respondent husband under Section 14 of Hindu Marriage Act, 1955 for leave to file divorce petition under Section 13(1)(ib) of Hindu Marriage Act within one year from the date of marriage in Family Court at Bandra to the Civil Judge, Senior Division, at Kalyan.

3 In the present proceeding, this Court passed order dated 29.04.2014 issuing notices to other side and granted ad-interim order in terms of prayer clause (c) which reads thus:

“c) Pending the hearing and final disposal of the abovesaid application further proceeding in Petition No. A. No. 265 of 2013 (old No. CMA/265/2013)

filed in Family Court, Mumbai be stayed.”

4 In the present proceeding, the marriage was solemnized between the parties on 29.04.2013. Therefore, the respondent husband filed application under Section 14 of the Hindu Marriage Act, 1955 in the month of November, 2013 for permission to file divorce petition under Section 13(1)(ib) of Hindu Marriage Act, within a period of one year from the date of marriage.

5 In view of subsequent development, now one year is already over, Application filed by respondent husband under Section 14 of the said Act, becomes infructuous.

6 Considering the subsequent development, I do find any substance in the present Misc. Civil Application for transferring the said application from one Court to another.

7 Hence, following order:

a) Misc. Civil Application preferred by wife stands rejected in view of subsequent development.

b) Liberty granted to the applicant wife to file a fresh application, if she so desire, for same cause of action, in case, the respondent husband files divorce petition.

(K.K.TATED, J.)