

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

MISC.CIVIL APPLICATION NO. 66 OF 2016

Mr.Sagar Suhas Kulkarni

...Applicant

vs.

Mrs.Gauri Sagar Kulkarni & Anr.

...Respondents

Mr.Ketan Dhavle I/b. Aparna Dhavle for Applicant.

Ms.Anita Murgude for Respondent.

**CORAM : S.C. GUPTE, J.
1 MARCH 2017**

P.C.:

Heard learned Counsel for the parties.

2 This MCA seeks transfer of a petition filed by the Respondent wife under Section 125 of Criminal Procedure Code, 1973 in the Family Court at Bandra to the Family Court at Pune to be heard along with Petition No.E-107/2015 filed by the Applicant for restitution of conjugal rights.

3 It is submitted that the Respondent wife has also filed a petition under Section 7(d) of the Family Courts Act, 1984, seeking permanent injunction against the Applicant's immovable property situated within the limits of Pune. It is submitted that all these petitions could be tried by the court at Pune.

4 In response, it is submitted by learned Counsel for the Respondents that the Respondent wife intends to withdraw her petition under Section 7(d) of the Family Courts Act, 1984 pending before the Pune Court. It is submitted that the Applicant has already been granted access to

the minor child of the parties, which he is availing of in Mumbai. It is submitted that the Respondent is agreeable to coordinate with hearings of her petition in Mumbai under Section 125 of the Cr.P.C. with the dates of access.

5 No order needs to be passed, in the premises, on the MCA of the Applicant. The statement of the Respondents that the Respondent wife shall withdraw her pending petition under Section 7(d) of the Family Courts Act, 1984 in the Family Court at Pune, is accepted. The Respondent is directed to coordinate and provide access to the minor child to the Applicant in Mumbai on the dates when the hearings of her petition, being Petition No.E-107/2015, are scheduled before the Family court at Bandra, Mumbai.

6 Learned Counsel for the Applicant states that the Applicant shall pay a sum of Rs.1 lakh from out of the arrears of maintenance payable to the Respondents within a period of one week from today and clear the balance arrears by monthly instalments over a period of three months thereafter.

7 The MCA is disposed of.

(S.C. GUPTE, J.)