

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.146 OF 2016

...
Mrs. Suvarna alias Suhani Deepak Pawar ..Applicant
Vs.
Mr. Deepak Chandar Pawar ..Respondent
...

Mr. Satyavrat Joshi, Advocate, for the Applicant.
Mr. P. P. Kulkarni, Advocate, for the Respondent.
...

CORAM : A.A. SAYED J.
DATED : 17 NOVEMBER 2017

P.C.:

The above Misc.Civil Application is filed under section 24 of the Code of Civil Procedure, 1908, for transfer of Petition P.A.No.627 of 2014 pending in the Family Court at Pune filed by the Respondent-husband under Section 13(1) (i-a) of the Hindu Marriage Act, 1955, to the Civil Judge, Senior Division, Mahad at Raigad.

2. The Applicant and the Respondent were married on 10 November 2006 under the Hindu Marriage Act at Brahman Sabha Mangal Karyalay, Mahad, District-Raigad. Their matrimonial home was at Pune. There are two daughters, aged 8 and 6 years respectively from the wedlock. Due to marital discord, the Applicant-wife is now staying with her parents at Mahad,

Raigad. The Respondent-husband has filed Petition P.A.No.627 of 2014 in the Family Court at Pune under section 13(1)(i-a) of the Hindu Marriage Act. The Applicant had filed an Application under 13 of the Protection of Women From Domestic Violence Act, 2005 against the Respondent and his family members in the Court of Judicial Magistrate, First Class, Mahad, Raigad vide Criminal Misc.Application No.179 of 2014, wherein certain orders were passed in respect of maintenance of the Applicant and two daughters. According to the Applicant, the Respondent is not paying any amount and she has also filed Criminal Misc.Application No.62 of 2015 against the Respondent for recovery of maintenance amount under section 125(2) of Code of Criminal Procedure. It is averred by the Applicant that though there is an outstanding amount of Rs.4,43,000/-, the Respondent has deposited only Rs.50,000/-

3. Considering the facts and circumstances of the case, particularly since there are two minor daughters whom the Applicant-wife has to look after, in my view the Misc.Civil Application is required to be allowed and is accordingly allowed in terms of prayer clause (a), which reads as under:

“a) That this Hon'ble Court be pleased to transfer the P.A. No.627/2014 in the Family Court, at Pune between the Petitioner and the Respondent pending in the Family Court, Pune at Pune to Civil Judge, Senior Division, Mahad at Raigad.”

4. The Family Court, Pune at Pune shall transmit the P.A.No.627/2014 to the Civil Judge, Senior Division, Mahad at Raigad at the earliest.
5. Upon the instructions of the parties, who are present in Court, both the learned Counsel state that the parties shall appear before the Civil Judge, Senior Division, Mahad at Raigad on 12 December 2017 at 11 a.m. along with a copy of this order. The statement is accepted.
6. The Misc.Civil Application is disposed of accordingly.

All concerned to act on copy of this order duly authenticated by the Registry.

(A.A.SAYED, J.)