

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.123 OF 2016**

Arti Atul Mahajan	...	Applicant
versus		
Atul Sadashiv Mahajan	...	Respondent

Ms. Anusha Amin for Applicant.

Mr. Vikram Walawalkar i/by Mr. S.M.Sabrad, for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 28th AUGUST, 2017

P.C.:

1. By the above Misc. Civil Application filed under Section 24 of the Code of Civil procedure, 1908, the Applicant wife seeks transfer of Marriage Petition No.690 of 2015 filed by the Respondent and pending before the Civil Judge, Senior Division at Sangli to the Family Court at Pune.

2. The marriage between the Applicant and Respondent was solemnized on 21-05-2009. After the marriage, the parties started residing at Pune and a son named Tanuj was born to them. The Applicant is working as a primary teacher with Pune Municipal Corporation. The Respondent too is residing and working at Pune at least since 2015. It is the case of the Applicant that despite the Respondent residing and working at Pune, he has filed Marriage Petition No.690 of 2015 before the Civil Judge, Senior Division at Sangli only to cause harassment and inconvenience to the Applicant.

3. The Respondent has admitted that he works and resides at Pune. Therefore, grave inconvenience and hardship will be caused to the Applicant if she has to travel all the way to Sangli along with her son who is five years old and appear before the Civil Judge, Senior Division at Sangli on the adjourned dates. As against this, no inconvenience will be caused to the Respondent if Marriage Petition No.690 of 2015 filed by him at Sangli is transferred to the Family Court at Pune since he is admittedly residing and working at Pune. I pass the following order :

(i) The Marriage Petition No.690 of 2015 filed by the Respondent before the Civil Judge, Senior Division, Sangli, stands transferred to the Family Court at Pune.

(ii) The Court of Civil Judge, Senior Division, Sangli shall transmit on or before 8th September, 2017 the papers and proceedings of Marriage Petition No.690 of 2015 to the Family Court at Pune.

(iii) The parties and/or their Advocates shall appear before the Family Court at Pune, on 11th September, 2017 at 11.00 a.m., and obtain necessary orders/directions.

(iv) The Family Court at Pune shall endeavour to hear and dispose off the Marriage Petition No.690 of 2015 within a period of six months from 11th September, 2017. The Family Court at Pune, shall not grant any adjournments to the parties unless absolutely necessary. The parties too shall not seek any adjournments unless

absolutely necessary.

(v) The parties as well as the Family Court at Pune and the Civil Judge, Senior Division, Sangli shall act on an authenticated copy of this order.

(vi) The above Misc. Civil Application is accordingly disposed of with no order as to costs.

(S.J.KATHAWALLA, J.)