

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

WRIT PETITION NO.7633 OF 2015

Mrs. Dipti Lage : **Petitioner.**
versus
Mr. Prashant Lage : **Respondent.**

Mr. Varad Deore for the Petitioner.
Mr. Sachin Gite for the Respondent.

CORAM : R. M. SAVANT, J.
DATE : 28th February 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 29/05/2015 passed by the Family Court, Nashik in Petition No.A-499 of 2015 by which order the Family Court has answered the issue raised as regards its territorial jurisdiction by ruling that it has jurisdiction to entertain and try the marriage petition.

2 Suffice it would be state that, the Family Court, Nashik has ruled upon its jurisdiction on the ground that on 01/02/2012 the Petitioner wife resided in the matrimonial house at Nahik and since the couple last resided at Nashik, the marriage petition filed by the Respondent herein was maintainable before the Family Court, Nashik. The learned counsel appearing on behalf of the Petitioner does not dispute the said position however states that they were staying together for a short period intermittently. In my view, that cannot be a

ground to divest the Family Court, Nashik from exercising its jurisdiction.

3 Hence the impugned order dated 29/05/2015 passed by the learned Judge, Family Court, Nashik cannot be faulted with. No case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

4 However, it would be open for the Petitioner wife to file an application under Section 24 of the Code of Civil Code for transfer of the marriage petition to Pune. If any such application is filed, needless to state that the same would be tried on its own merits and in accordance with law.

[R.M.SAVANT, J]