

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

MISC.CIVIL APPLICATION NO. 274 OF 2016

Mr.Amit Madhkar Sawant	...Applicant
vs.	
Mrs.Deepali Amit Sawant alias Deepali Bhimrao Mahadik	...Respondent
Mr.Abhijit D. Sarwale for Applicant.	
Mr.Bhooshan Mandlik for Respondent.	

AND

MISC.CIVIL APPLICATION NO. 197 OF 2016

Mrs.Deepali Amit Sawant	...Applicant
vs.	
Mr.Amit Madhkar Sawant	...Respondent
Mr.Bhooshan Mandlik for Applicant.	
Mr.Abhijit D. Sarwale for Respondent.	

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

P.C.:

Heard learned Counsel for the parties.

2 MCA No.274/2016 is the husband's application for transfer of the Respondent wife's petition for maintenance under Section 18 of the Hindu Adoptions and Maintenance Act, which is pending before the Family Court, Kolhapur to the Family Court, Pune, to be heard along with the Applicant husband's matrimonial petition, being P.A.No.92/2015, pending before it. This latter petition is for divorce on the ground of cruelty.

3 There is a companion misc.application, being MCA

No.197/2016, filed by the Applicant wife against the husband. This application is for transfer of the divorce petition filed by the husband from the Family Court Pune to Family Court, Kolhapur.

4 The Applicant husband has submitted voluminous evidence to show that the Respondent wife continues to stay at Pune. In any event, it is submitted that both the parties are members of a reputed club. It is submitted that there is evidence on record to show that the Respondent wife is availing the services of the club. It is submitted that she also has a flat in Pune and makes use even of various services offered by the club. In any case, it is admitted that the matrimonial petition filed by the Applicant husband is prior in point of time.

5 On these facts and also considering that there are no special circumstances why the husband's petition should be transferred to the court at Kolhapur, where the Respondent wife's petition, filed later in point of time, is pending, MCA No.274/2016 is allowed in terms of prayer clause (a) and MCA No.197/2016 is dismissed.

6 On the application of both parties, the hearing of the matrimonial petitions is expedited. The Family Court, Pune shall dispose of both the petitions as expeditiously as possible and preferably within a period of one year from today.

(S.C. GUPTE, J.)