

Sequeira

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

MISC. CIVIL APPLICATION NO.6 OF 2016

Mrs.Neelima Nitin Keer.

.. Applicant

Vs

Mr.Nitin Chandrakant Keer.

.. Respondent

Ms.Nirmala Bhosale i/b Pradnya Pednekar, for the Applicant.

Ms.Suvarna Joshi, for the Respondent

Coram : N.M.Jamdar, J.

Date : 4 April 2017.

Oral Order :

Heard learned counsel for the parties.

2. Considering the controversy involved, the Application is taken up for final disposal.

3. The Applicant-wife has sought transfer of the Marriage Petition No.87 of 2015 pending before the learned Civil Judge, Junior Division, Ratnagiri to the learned Civil Judge, Senior Division Thane.

4. The learned counsel for the Respondent made a grievance that

after the matter was referred for mediation by order dated 23 February 2016 the Applicant has filed case No.10 of 2017 under Domestic Violence Act, 2005 before the IV Court of Judicial Magistrate, First Class, Thane. It is submitted that in this case all the family members of the Respondent have been joined as parties which is causing immense harassment. The learned counsel for the Applicant submitted that the Applicant is currently staying with her married sister at Thane and does not have independent source of income to travel to Ratnagiri.

5. During the course of arguments it was discussed whether the Applicant would withdraw the case filed under Domestic Violence Act and whether Respondent would consent to transfer of Marriage Petition to Thane. The matter was kept back for the parties to consider and discuss. The learned counsel for the Respondent, on instructions, submitted that Respondent is ready for this position. The learned counsel for the Applicant on instructions submitted that if Marriage Petition is transferred to Thane, then the Applicant has no intention to prosecute the proceedings under the Domestic Violence Act. It appears that these proceedings were filed as a counter blast. Be that as it may, since the Applicant has agreed to withdraw the case under Domestic Violence Act and that Respondent has also agreed for transfer of the case, the Application is disposed of as under :

- a. Statements made by the learned counsel on instructions are accepted.
 - b. The Applicant will withdraw the case No.10 of 2017 filed in the IV Court of Judicial Magistrate, First Class, Thane by filing an appropriate application within period of four weeks from today.
 - b. Liberty to the parties to place copy of this order before the learned Judicial Magistrate, First Class, Thane for appropriate order of disposal.
 - c. Marriage Petition No.87 of 2015 filed in the Court of Civil Judge, Junior Division Ratnagiri shall stand transferred to the Court of Civil Judge Senior Division, Thane.
6. This Miscellaneous Application is disposed of in above terms.

(N.M.Jamdar, J.)