

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION (ST) NO.27304/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sidhesh Pilankar i/b. Uday Warunjikar for the Applicant

Mr. Ganesh namdeo Gojare respondent in person.

CORAM : K. K. TATED, J.

DATE : DECEMBER 15, 2017

P.C.:

1. Heard. This Application is under section 24 of the Code of Civil Procedure, 1908 made by the wife seeking transfer of M.PNo.39/2017 filed by the Respondent husband before the Civil Judge, Senior Division, Vasai to the Family Court at Nasik.

2. The learned counsel for the Applicant submits that the Applicant has also filed petition A-No.653/2016 before the Family Court, Nasik u/s. 9 of the Hindu Marriage Act, 1955 and same is pending for final hearing and disposal on merits. He submits that the Respondent husband has filed M.PNo.39/2017 before the Vasai Court for divorce u/s.13(1A) of the Hindu Marriage Act, 1955. He submits that in any case the Respondent husband

has to remain present before the Nasik court for attending the petition filed by the Applicant wife u/s.9 of the Hindu Marriage Act, 1955 and hence, the matter filed by the Respondent husband at Vasai Court may be transferred to the Family Court at Nasik.

3. The Respondent appeared in-person. He submits that he has no objection if the matter filed by him for divorce at Vasai Court is transferred to the Family Court at Nasik for hearing and final disposal on merits.

4. To that effect the learned counsel for the Applicant and the Respondent party in person filed consent terms dated 15.12.2017. Same are taken on record and marked "X" for identification.

5. Hence, by consent of the parties, the Misc. Civil Application is allowed in terms of prayer clause (a) which reads thus:

"(a) This Hon'ble Court be pleased to call for the record and proceeding of Marriage Petition No.39/2017 filed by the Respondent before the Civil Judge, Senior Division at Vasai and after going through the same and satisfying about the legality, validity and propriety of the same be pleased to transfer the same to the Family Court at Nashik."

6. The parties are directed to make an appropriate application before the Family Court, Nasik to hear the petition No.653/2016 and petition No.39/2017 together.

7. If such an Application is made, the Family Court, Nasik to decide the same on its own merits.

8. The Misc. Civil Application stands disposed of accordingly.

9. Both the parties are directed to remain present before the Family Court, Nasik on 25.01.2018 for taking appropriate steps.

10. Parties to act on an authenticated copy of this order.

JUDGE