

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVL APPLICATION NO. 262 OF 2014

Sou. Sarika Satpal Patil ... Applicant

Versus

Satpal Anna Patil ... Respondent

Mr. S.S. Koregave for the Applicant.

Mr. Satyajeet Rajeshirke for the Respondent.

Mr. S.A. Patil – Respondent, present in person.

Mr. Deepak Shelke, Friend of the Respondent, present in person.

CORAM : S.J. KATHAWALLA, J.

DATED : 9TH JUNE, 2017

(IN CHAMBERS)

P.C.:

1. The above Misc. Civil Application is filed on 30th October, 2014 by the Applicant Wife to transfer Hindu Marriage Petition No. 94 of 2014 pending before the Civil Judge, Senior Division, Islampur, District – Sangli to the Court of Civil Judge, Senior Division, Ichalkarnji, District – Kolhapur.

2. Though the Advocate for the Respondent states that the Respondent has filed his Affidavit in Reply dated 9th April, 2015 on 22nd April, 2015, the Advocate for the Applicant states that a copy of the |Reply is not served on him. In fact, Affidavit in Reply is also not traceable in the Court record. The Advocate for the Applicant has filed further Affidavit dated 6th June, 2017 stating that the Respondent has on 20th April, 2015 contracted another marriage with Ms. Rupali Mahadev Chougale. No

response is filed by the Respondent to the said further Affidavit. The Respondent was therefore asked by the Court what he has to say about the photographs pertaining to his second marriage, annexed to the Additional Affidavit. He has stated that the Applicant was involved with two males namely Mr. Santosh Ananda Malekar and Mr. Sandeep Bhaskar Chavan. In view thereof, an Agreement for mutual divorce dated 6th February, 2017 was executed by the Applicant and the Respondent and was amongst others witnessed by the father and brother of the Applicant. In fact, as agreed between the parties, the flat of the Respondent which was in the name of the Applicant was also transferred by the Applicant in the name of the Respondent. The children were put in a boarding school and he (Respondent) proceeded to marry Ms. Rupali Mahadev Chougale. He has further stated that he has no objection if the above Misc. Civil Application is allowed.

3. All the above allegations and counter allegations shall be taken cognizance of and decided in the matrimonial proceedings. By consent of the parties, the Hindu Marriage Petition No. 94 of 2014 pending before the Civil Judge, Senior Division, Islampur, District - Sangli is transferred to the Civil Judge, Senior Division, Ichalkarnji, District - Kolhapur.

4. The above Misc. Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)