

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 14 OF 2017**

Mrs. Pradnya Sameer Kulkarni ... Applicant

Versus

Mr. Sameer Anandrao Kulkarni ... Respondent

Ms. Gauri Kadam for the Applicant.

Mr. Kuldeep Nikam for the Respondent.

CORAM : S.J. KATHAWALLA, J.

DATED : 25th SEPTEMBER, 2017

P.C.:

1. By the above Miscellaneous Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of Hindu Marriage Petition No. 234 of 2016 filed by the Respondent-husband pending before the Court of Civil Judge, Senior Division, Satara to the Court of Civil Judge, Senior Division, Pune.

2. The marriage between the Applicant and the Respondent was solemnized on 18.02.2013 at Satara. Since disputes arose between the parties, the Applicant left the matrimonial home on 1st August, 2015 and started residing with her parents at Pune. The Applicant has filed an Application under Section 498-A of the Indian Penal Code against the Respondent and also a case under the Protection of Women From Domestic Violence Act, 2005. The charge-sheet is filed on 20.10.2016 before the Judicial Magistrate, First Class, Morwadi Pipari, Pune vide R.C.C. No. 892 of 2016.

The Respondent himself has stated in his Divorce Petition No.234 of 2016 filed before the Court of Civil Judge, Senior Division, Satara that he is working and residing at Pune. The Applicant states that it is only with the intention of causing harassment to the Applicant that the Respondent has filed the Divorce Petition at Satara.

3. Though a copy of the above Miscellaneous Civil Application was served on the Respondent, he failed to appear before this Court (Coram : S.C.Gupte, J.) on 14th March, 2017. In view thereof, a last chance was given to the Respondent to remain present before the Court and the matter was adjourned to 5th April, 2017. On 4th April, 2017, the Advocate for the Respondent filed his appearance on behalf of the Respondent. The Respondent has thereafter, not filed his Affidavit-in-Reply. The Advocate for the Respondent states that though he had by his letter dated 24th April, 2017 called upon the Respondent to give instructions in the above Application, he has failed to respond to the same. The Advocate for the Respondent also states that it is true that the Respondent is residing and working at Pune.

4. In view thereof, I am satisfied that the Respondent who is residing and working at Pune, has filed Hindu Marriage Petition No. 234 of 2016 before the Court of Civil Judge, Senior Division at Satara only to cause harassment to the Applicant who also resides at Pune. Hence, I pass the following order.

(a) The Hindu Marriage Petition being No. 234 of 2016 filed by the Respondent-husband is directed to be transferred from the Court of Civil Judge, Senior Division, Satara to the Court of Civil Judge, Senior Division, Pune.

- (b) The Registrar, Court of Civil Judge, Senior Division, Satara shall ensure that the papers and proceedings of Hindu Marriage Petition No. 234 of 2016 reaches the Court of Civil Judge, Senior Division, Pune, on or before 10th October, 2017.
 - (c) The parties and/or their Advocates shall appear before the Court of Civil Judge, Senior Division, Pune on 12th October, 2017 at 11.00 a.m. and obtain appropriate orders.
 - (d) The Court of Civil Judge, Senior Division, Pune shall endeavour to dispose off the Hindu Marriage Petition No. 234 of 2016 within a period of six months from the date of this Order.
 - (e) The parties shall not seek adjournment/s unless absolutely necessary. The Court of Civil Judge, Senior Division, Pune shall also not grant adjournment/s to either side unless absolutely necessary.
 - (f) The parties as well as the Court of Civil Judge, Senior Division, Satara and Court of Civil Judge, Senior Division, Pune to act on an authenticated copy of this Order.
 - (g) All contentions of the parties are kept open.
 - (h) The Advocate for the Applicant shall serve a copy of this order on the Respondent by Speed Post/Registered Post A.D. and/or by hand-delivery.
4. The above Miscellaneous Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)