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

MISC.CIVIL APPLICATION NO. 137 OF 2017

Mrs. Swati Vinod Kore.

... Applicant.

V/s.

Mr. Vinod Manikappa Kore.

... Respondent.

Mr. Sanjay S. Mehta for the Applicant.

Mr. Tejesh Dande i/b. Tejesh Dande & Assoc. for the Respondent.

CORAM : N.M. Jamdar, J.

DATE : 8 January, 2018.

Oral Order :-

Heard learned Counsel for the parties.

2. This application is filed by the Applicant – wife seeking transfer of the Hindu Marriage Petition No.194 of 2014 filed by the Respondent – husband in the Court of Civil Judge, Senior Division, Latur to the Family Court, Pune.

3. The Applicant, who is 27 years old, is looking after the daughter aged 4 years. At present, she is staying in Pune with her parents. According to the Applicant, the Respondent is currently

employed at Ahmedabad. It is the case of the Applicant that it is extremely difficult for her to leave the child in Pune for attending the Court dates at Latur.

4. The learned Counsel for the Respondent on instructions states that he is not averse to transfer the proceedings to Family Court, Pune. He states that the proceedings be expedited.

5. Considering the facts and circumstances and the stand of the parties, it will be in the interest of justice to transfer the proceedings from Latur to Pune. As far as the request for expediting the proceedings, it is open to the parties to make this request to the Family Court, Pune.

6. Accordingly, the Misc. Civil Application is allowed. The Hindu Marriage Petition No. 194 of 2014 pending in the Court of Civil Judge, Senior Division, Latur/Family Court, Latur is transferred to the Family Court, Pune.

7. Before passing this order, earlier and even today, an attempt was made to see if the matter can be amicably resolved. A room in the Mediation Centre was made available to the parties to interact alone, and they had a meeting today. It is informed, that they could not arrive at a consensus.

8. On the earlier dates when the matter was heard, the Applicant had produced a document styled as a marriage receipt dated 15 August 2016 to show that the Respondent has remarried. It is the contention of the Respondent that this document is forged. The learned Single Judge (S.J. Kathawala, J.) directed the Superintendent of Police to investigate and submit a report. A report has been submitted prima-facie indicating that the document may not be forged. The learned Counsel for the parties reiterate their rival stands. Considering the ambit of the present proceedings and the limited jurisdiction under Section 24 of the Code of Civil Procedure, it is not possible to conclude this controversy finally in these proceedings. It is open to the parties to take this issue further, in appropriate proceedings, to be decided as per law and its own merit.

9. The Misc. Civil Application is accordingly disposed of.

(N.M. Jamdar, J.)