

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 13 OF 2018

Sau. Sharayu Anandrao Shinde ... Applicant
VS.
Anandrao Yashwant Shinde ... Respondent

Mr. Abhishek P. Deshmukh, Advocate for the applicant.
Mr. Tanmay R. Vispute, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **26th March, 2018.**

P.C.:

Upon mentioning, taken on board.

2. The respondent/husband has filed Petition for restitution of conjugal rights in the Family Court, Panvel bearing no. 362 of 2017 under section 9 of Hindu Marriage Act. The applicant/wife seeks transfer of the said Petition to the Family Court, Pune under section 24 of Code of Civil Procedure.

3. The learned counsel for applicant/wife has submitted that applicant/wife is looking after the minor daughter of the couple, who is 1½ years old. He submitted that it is not possible for the applicant/wife to travel on every date from Pune to Panvel along with the child, as there is nobody to look after the child.

4. The learned counsel for the respondent opposed the Application and submitted that the respondent/husband has filed Petition for restitution of conjugal rights in the Family Court, Panvel. He submitted that the mediation has failed.

5. Considering the responsibility of the wife towards the minor girl child who is only 1½ years old, I am inclined to transfer Marriage Petition No. 362 of 2017 filed by the respondent in the Court of Civil Judge, Senior Division at Panvel to the Family Court, Pune. It is suggested that considering the age of the parties and as they have one girl child out of the wedlock, the counsel of Family Court, Pune to try for settlement.

6. Marriage Petition No. 362 of 2017 is to be transferred from the Court of Civil Judge Senior Division at Panvel to the Family Court, Pune on or before 9th April, 2018. Parties to appear before the assigned Family Court, Pune on 16th April, 2018 at 11 a.m.

7. Miscellaneous Civil Application is disposed of.

(MRIDULA BHATKAR, J.)