

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISCELLANEOUS CIVIL APPLICATION NO.946/2016

Sau. Nikita Rohit Mali

..Vs..

Shri Rohit Rajaram Mali

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.N. Patre, Advocate for the applicant.

CORAM : Z.A. HAQ, J.

DATE : 13.3.2018.

None appeared for the non-applicant when the matter was called out in the morning session. The matter was kept back. In the afternoon session again when the matter is called out, none appears for the non-applicant.

The applicant seeks transfer of the proceedings of hindu marriage petition filed by the non-applicant / husband praying for decree for divorce. The proceedings are filed by the non-applicant / husband at Pune. The transfer is sought to the Family Court, Nagpur.

The non-applicant / husband has filed reply. Paragraph No.7, 8 and 9 of the reply is relevant and is as follows:

“7] That, the present respondent further submit that, the present applicant got married without taking the divorce from the present respondent with one Shashikant Manohar Mahajan and from the said wedlock she has begotten one male child on

20/07/2017. The copy of the said birth certificate is annexed herewith as "document no.1".

8] The respondent further submit that, the applicant has purchased the one property at Panvel jointly with Shashikant Mahajan with whom she illegally married. The copy of the said entries of the property card is annexed herewith "document no.2".

9] That, from the above facts it is clear that, the applicant residing at Akola and some times at Panel (sic : Panvel) along with her second husband. That, just to harass the present applicant an grab the maintenance amount, the present application is filed with an alternative motive."

Though the applicant / claimant contends that it is difficult for her to attend the proceedings at Pune as there is nobody to accompany her, the facts stated in paragraph Nos.7, 8 and 9 of the reply of the non-applicant / husband falsify the claim of the applicant.

Considering the facts on record, I am of the view that the applicant has not been able to make out a case for exercise of jurisdiction under Section 24 of the Code of Civil Procedure.

The application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE