

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Misc. Civil Application No.142/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Jayesh P. Shroff for the Applicant

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 6, 2019

P.C.

1 Heard. On 30.08.2019 Adv.Ditendra Mishra appeared for the Respondent. Today none appeared for the Respondent.

2 By this Application under section 24 of the Code of Civil Procedure, 1908 the Applicant wife is seeking transfer of HMP No.15/2018 filed by the Respondent husband before the Civil Judge, Senior Division Khed to the Family Court, Bandra for hearing and final disposal on merits.

3 The learned counsel for the Applicant submits that the Execution Application filed by the Applicant wife for recovery of maintenance charges is

pending before the Family Court, Mumbai. He submits that it is very difficult for the Applicant wife at this age i.e. 66 years to travel from Mumbai to Khed to attend each and every date in the divorce petition filed by the Respondent. He submits that considering the age of the Applicant this Hon'ble Court be pleased to transfer the said marriage petition to Family Court, Bandra, Mumbai.

4 It is to be noted that in the present proceedings earlier the Applicant wife has filed an application for maintenance and thereafter she filed Execution Application to recover the arrears of maintenance charges, which is pending before the Family Court, Mumbai.

5 Considering these facts and the age of the Applicant i.e. 66 years, I am of the opinion that the Applicant has made out a case for allowing the Civil Application.

6 Hence, following order is passed:

a. Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(b) Pending the hearing and final disposal of this Misc. Civil Application all other and further proceedings in Marriage Petition No.15/2018 pending on the file of Civil Judge, Senior Division, Khed, Ratnagiri, may kindly be stayed.”

b. The Misc. Civil Application stands disposed of accordingly.

c. No order as to costs.

(K.K.TATED, J.)