

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.97 OF 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.S.T.Bhosale for the applicant

Ms.Sami Radiawala for the respondent

**CORAM : K. K. TATED, J
DATE : JULY 26, 2019**

P.C.:

. Heard.

2 The learned counsel for the Respondent submits that she undertakes to file Vakalatnama within one week from today. Same is accepted.

3 This Application is filed by husband under section 24 of the Code of Civil Procedure, 1908 for transfer of Hindu Marriage Petition No.A-651/2013 filed by wife under section 13(1)(i-a) of the Hindu Marriage Act, 1955 pending before the Family Court, Bandra, Dist. Mumbai

to learned Civil Judge, Senior Division, Panvel, Dist.Raigad for hearing and final disposal on its own merits.

4 The learned counsel for the Applicant submits that Applicant is staying at Bhandup. Therefore, it is very difficult for him to attend Bandra Court on each and every occasion. He further submits that even Respondent is staying at Kharghar, Navi Mumbai. Therefore, if matter is transferred to Panvel, it is convenient for the Respondent also. He further submits that Family Court directed Respondent to give access to both the children at children complex at Bandra. He submits that it is very difficult for the Applicant to go and take access of both the children at Bandra court. He further submits that it is torture for both the children also to travel from Kharghar to Bandra Court. Therefore, they filed the present Misc. Civil Application for transferring the matter from Bandra Court to Panvel Court.

5 On the other hand, the learned counsel for the Respondent vehemently opposed the present Application. She submits that Respondent is working at Santacruz. She submits that it is more convenient for Respondent to attend the matter at Bandra. She submits that in the Bandra Court, affidavit

of evidence is already filed by her and matter is kept for cross-examination. She submits that if matter is expedited, same can be disposed of within few months also. Therefore, there is no question of transferring the matter from Bandra court to Panvel court. Therefore, present Civil Application is required to be dismissed with costs.

6 Heard both the sides at length.

7 It is to be noted that in the present proceedings, Respondent wife has filed M.J. Petition No.A-651 of 2013 under section 13(1) (i-a) of the Hindu Marriage Act, 1955 and under section 7 (g) of the Family Court's Act, 1984 and which is pending for hearing and final disposal at Bandra, Family Court. Affidavit of evidence is already filed by the Respondent wife. Now the matter is for cross-examination.

8 Considering the fact that matter is of 2013, this court can direct the Family Court to decide the same as early as possible i.e. in the interest of Justice of both the parties. Considering these facts, following order is passed:

- a. Application stands rejected.
- b. Family Court at Bandra, Mumbai is

directed to decide M.J.Petition No.A-651 of 2013 filed by Respondent wife for divorce under section 13(1)(i-a) of the Hindu Marriage Act, 1955 as early as possible but in any case, on or before 31.03.2020.

c. It is made clear that Family Court should not grant unnecessary adjournments to both the parties.

(K.K.TATED, J.)