

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Misc. Civil Application No.159/2019

Upkar Kaur Hardeepsingh Popali Applicant

vs.

Hardeepsingh jaswantsingh Popali Respondent

Mr. Rajesh A. More for the Applicant
Mr. Anil S. Kamble for the Respondent

CORAM : K.K.TATED, J.
DATED : JULY 4, 2019

P.C.

1 Heard. The learned counsel for the Respondent has filed Affidavit in Reply dated 03.07.2019. Same is taken on record.

2 By this Application under section 24 of the Code of Civil Procedure, 1908, the Applicant wife is seeking transfer of MP No.27/2017 filed by Respondent u/s.13(1)(ia)(b) of the Hindu Marriage Act, 1955 for divorce, pending before the Civil Judge, Senior Division Khamgaon, Dist. Buldhana to the Family Court at Pune.

3 After arguing for some time, both the counsel submit that their clients are ready and willing to file Consent Terms for transfer of the matter from Khamgaon to Pune. They tendered Consent Terms dated 04.07.2019 duly signed by them and their respective clients.

4 Both the parties entered into witness box and admit the contents of the Consent Terms and execution thereof. Same is taken on record and marked “X” for identification and accepted, which read thus:

“CONSENT TERMS

By this Miscellaneous civil application u/s 24 of the Civil Procedure Code, 1908 the applicant is seeking the transfer of the Marriage Petition No.27 of 2017 pending before Learned Civil Judge Senior Division Court, Khamgaon , u/s. 13 1 (ia) & (ib) of the Hindu Marriage Act, 1955, for Divorce and Ga..Va. case No. 12 / 2015 under Guardian and wards act u/s 7,12 for custody of the children before the Learned Civil Judge Senior Division, Khamgaon , to the Learned Family Court, Pune .

2 It is mutually agreed that the above mentioned Misc. Civil Application can be disposed off by consent of both the parties on the following terms and conditions:

a) That both the parties agree to transfer the Marriage Petition No.27 of 2017 pending before Learned Civil Judge Senior Division Court, Khamgaon , u/s. 13 1 (ia) & (ib) of the Hindu Marriage Act, 1955, for Divorce and Ga..Va. case No. 12 / 2015 under Guardian and wards act u/s 7,12 for custody of the children before the Learned tCivil Judge Senior Division, Khamgaon , to the Learned Family Court, Pune .

b) That the Marriage Petition No.27 of 2017, u/s. 13 1 (ia) &

(ib) of the Hindu Marriage Act, 1955, and Ga..Va. case No. 12 / 2015 under Guardian and wards act u/s 7, and the criminal Misc. Criminal Application No. 589 /2015 before the Learned Judicial Magistrate First Class be heard on one and the same date.. One in the morning Session and one in the afternoon Session as per the convenience of the Learned Judge.

c) That the respondent undertake that he will clear the arrears of the interim maintenance Rs. 1.00.000/- (One Lacs rupees) amount granted in the criminal Misc. Criminal Application No. 589 /2015 by the Learned Judicial Magistrate First Class,Lashkar Court,Pune on or before 30th September 2019.

d) That the Marriage Petition No.27 of 2017, u/s. 13 1 (ia) & (ib) of the Hindu Marriage Act, 1955, and Ga..Va. case No. 12 / 2015 under Guardian and wards act u/s 7,12 transferred to the Learned Family Court ,Pune , endeavour to be made by the parties to disposed of the said proceedings by end of December 2020.

e) No order as to cost

Mrs. Upkar Kour Hardeepsingh Popali

Advocate for applicant

Mr. Hardeepsingh Jaswantsingh Popali

Advocate for respondent

Mumbai
Date 4/6/2019"

Basavraj G. Patil

3 Hence, following order is passed:

- a The Misc. Civil Application stands disposed of in terms of the Consent Terms.
- b This court expects that the Family Court, Pune would decide the matter as early as possible, but in any case on or before December 2020.
- c Both the counsel submit that they shall not seek unnecessary adjournments before the Family Court, Pune.
- d Parties to act on an authenticated copy of this order.
- e No order as to costs.

(K.K.TATED, J.)