

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

MISCELLANEOUS CIVIL APPLICATION NO.176 OF 2018

Mr. Ashish A. Gade ... Applicant

Vs

Mrs. Madhavi A. Gade ... Respondent

...

Mr. Aditya Andhorikar i/by Jaideep Thakkar for the Applicant.

Mr. Nikhil Milind Sansare for the Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : 4 JANUARY, 2019

P.C. :

This is an application under Section 24 of the Code of Civil Procedure, 1908.

2 Applicant-husband has filed this application seeking transfer of proceedings in the Marriage Petition No.534 of 2016 from the file of the learned Civil Judge Senior Division, Kalyan to the learned Family Court at Thane and to club the proceedings in the Marriage Petition No.A-166 of 2016 filed by the present applicant/husband. The applicant-husband has filed the petition

under Section 13 of the Hindu Marriage Act, 1954 in the Family Court at Thane on 2nd April, 2016. Marriage between the parties was solemnised on 12th March, 2015. The marriage was solemnised in Thane. Parties were residing at Thane.

3 The respondent-wife has filed the petition under Section 9 of the Hindu Marriage Act, 1954 in the Court of Civil Judge Senior Division, Kalyan being Marriage Petition No.534 of 2016. The respondent-wife is residing at Dombivali.

4 Heard the learned counsel for the applicant and the learned counsel for the respondent. Respondent is present in the Court. It is submitted by the learned counsel for the applicant that in the proceedings of the restitution of conjugal rights, the learned trial Court has awarded the maintenance of Rs.4,000/- per month to the wife. It is submitted that the husband is regularly paying amount of maintenance to the wife. As against this, it is submitted by the learned counsel for the respondent that maintenance amount has not

been paid regularly. It is further submitted that the Respondent has no objection to transfer the Marriage Petition No.534 of 2016 from the file of Civil Judge Senior Division, Kalyan to the Family Court at Thane and to club the proceedings in the Marriage Petition No.A-166 of 2016 provided the present applicant/husband pays reasonable amount towards travelling expenses for attending the proceedings at the Family Court, Thane.

5 That the parties were married at Thane and lastly, resided at Thane; that there is hardly any distance between Dombivali and Thane; that Rs.4,000/- maintenance has already been awarded to the wife and that there are no issues out of the said wedlock.

6 Thus, considering the aforesaid facts, I am inclined to grant this application subject to payment of arrears of maintenance, if any, by the applicant-husband to the respondent-wife within two weeks from today. On instructions, the learned counsel for the

applicant undertakes to pay it. Undertaking is accepted. Hence, the following order:

- (1) Application is allowed.
- (2) Proceedings in the Marriage Petition No.534 of 2016 pending on the file of Civil Judge Senior Division, Kalyan are hereby directed to be transferred to the Family Court, Thane and club with the the proceedings in the Marriage Petition No.A-166 of 2016 and both the proceedings be heard together.
- (3) Application is, accordingly, disposed of with no order as to costs.

(SANDEEP K. SHINDE, J.)