

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Misc. Civil Application No. (ST) 25809/2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Rishikesh A. Mohite for the Applicant

CORAM : K.K.TATED, J.
DATED : JUNE 28, 2019

P.C.

1 Heard. The learned counsel for the Applicant submits that the Respondent is duly served. He has filed an Affidavit of service dated 25.06.2019. In spite of service, none appeared for the Respondent.

2 This Application is filed by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of M.P.No.42/2018 filed by the Respondent husband u/s.12 of the Hindu Marriage Act, 1955 from Civil Judge, Senior Division, Islampur to the Family Court at Kolhapur for hearing and final disposal on merits.

3 The learned counsel for the Applicant submits that in the present proceedings,

the Applicant has already filed H.M.P.No.169/2018 u/s.9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Family Court at Kolhapur. He submits that there is threat from the Respondent to the life of the Applicant. In support of his contention, he relies on a letter dated 04.8.2018 written by the Applicant to the Police Authority, Kolhapur. On the basis of this submission, the learned counsel for the Applicant submits that the petition filed by Respondent at Islampur to be transferred to the Family Court at Kolhapur. He submits that in any case, the Respondent has been attending the Family Court at Kolhapur in the matter filed by her u/s.9.

4 Considering the submissions made by the learned counsel for the Applicant and as the Marriage Petition No.169/2018 filed by wife u/s.9 is pending before the Family Court at Kolhapur, I am of the opinion that the Applicant has made out a case for allowing the Misc. Civil Application.

5 Hence, following order is passed:

a. H.M.P.No.42/2018 filed by the

Respondent husband in the court of Civil Judge, Senior Division, Islampur is transferred to the Family Court, Kolhapur, for hearing on merits.

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

c. No order as to costs.

(K.K.TATED, J.)