

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

MISC. CIVIL APPLICATION (ST.) NO.30156 OF 2018

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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Ms.Susy Mathew for the applicant

Mr.Ajit V. Mandlik for the respondent

**CORAM : K. K. TATED, J
DATE : AUGUST 14, 2019**

P.C.:

. Heard.

2 By this Misc. Civil Application, under section 24 of the Code of Civil Procedure, 1908 applicant wife is seeking transfer of PA No.65 of 2018 filed by respondent husband under section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955 for divorce before Family Court at Pune to Family Court at Bandra, Mumbai.

3 The learned counsel for the applicant submits that applicant filed Petition No.A-522

of 2017 in the Family Court at Bandra, Mumbai for divorce on 27.12.2017. She submits that papers were duly served on respondent in that proceeding. She submits that respondent appeared before the Family Court at Bandra, Mumbai and filed several applications. She submits that subsequently, respondent filed P.A.No.65 of 2018 for divorce before the Family Court at Pune on 16.1.2018. She submits that being a subsequent Petition filed by Respondent at Pune, same is required to be transferred to Family Court, Bandra, Mumbai for hearing and final disposal on its own merits along with Petition No.A-522 of 2017 filed by applicant wife.

4 The learned counsel for the applicant submits that it is very difficult for the applicant to travel from Mumbai to Pune on each and every date to attend the matter. She submits that, her parents are Senior Citizen and at present, she is unemployed. Therefore, for want of financial assistance, it is very difficult for her to take appropriate steps at Pune to defend her rights. Therefore, in the interest of Justice, this Hon'ble Court be pleased to transfer PA No.65 of 2018 filed by respondent husband for divorce before Family Court at Pune to Family Court at Bandra,

Mumbai.

5 On the other hand, the learned counsel for the respondent husband vehemently opposed the present Misc. Civil Application. He submits that both the matters be heard as expeditiously as possible within time bound period.

6 Heard.

7 It is to be noted that in the present proceeding, applicant wife filed Petition No.A-522 of 2017 for divorce on 27.12.2017 in which respondent appeared through advocate. He already filed several applications before Family Court at Bandra, Mumbai. Subsequently, respondent husband filed Divorce Petition on 16.1.2018 before the Family Court at Pune. Considering the fact that respondent's filed petition subsequently, and as applicant wife is also unemployed, I am of the opinion that applicant has made out a case for allowing this application.

8 Hence, following order:

a. P.A. No.65 of 2018 filed by respondent husband under section 13(1)(i-a) and (I-b) of the Hindu Marriage Act, 1955 before the Family Court at Pune is transferred to Family Court, Bandra, Mumbai for hearing and final

disposal on its own merits with Petition A-522 of 2017 filed by applicant for divorce.

- b. Hearing of both the matters are expedited.
- c. No order as to costs.
- d. Misc. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)