

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.14 OF 2019

Deepkunwar Anandrao Mane	...	Applicant
Versus		
Shri Chandrashekhar Babanrao Mahale	...	Respondent

Ms. Jyoti Chavan a/w Mr. H.R. Patil i/b Mr. Akshay M. Gosavi for the Applicant.
Mr. Amey Deshpande for the Respondent.

CORAM : S.C. GUPTE, J.

DATE : 4 DECEMBER 2019

P. C. :

. This Misc. Civil Application seeks transfer of a matrimonial proceeding, being a divorce petition filed by the Respondent-husband, pending before the Family Court at Nasik to the Family Court at Kolhapur. It is submitted by the Applicant that after thirteen years of matrimonial alliance, during which the parties stayed in USA, when the Applicant returned to India to look after her ailing mother, the Respondent-husband got his green card issued, but did not apply for her green card and in the meantime, the Applicant's US visa got expired. It is submitted that the Respondent permanently resides in USA. It is submitted that the Applicant, after return to India, has been staying at Kolhapur. It is submitted that various proceedings

between the parties arising out of their matrimonial disputes have been pending in Kolhapur courts. On these facts, the Applicant seeks transfer of proceeding from Nasik to Kolhapur.

2 The request of transfer appears to be in order, considering these facts. The Respondent is anyway a resident of USA and it does not matter to him whether the hearing takes place at Nasik or at Kolhapur. Particularly considering that other matrimonial proceedings between them are pending in Kolhapur and the Applicant has offered to coordinate the dates of all proceedings so that they are heard on same or successive dates, it is in the interest of justice that the transfer application should be allowed.

3 Learned Counsel for the Respondent states that his client proposes to withdraw his divorce petition. Learned Counsel for the Applicant submits that her client opposes any such withdrawal application. In case the Respondent makes any such application, it shall be considered by the Family Court at Kolhapur on its own merits. All rights and contentions of the parties in that behalf are kept open.

4 Learned Counsel for the Respondent also submits that though the Applicant has filed criminal proceedings arising out of matrimonial disputes between the parties at Kolhapur and orders have been passed by Courts in those trials, the Applicant is not coming forward to record her evidence. Learned Counsel submits that the Applicant may

be directed to diligently prosecute the proceedings and record her evidence. Learned Counsel for the Applicant refutes the suggestion. Learned Counsel submits that directions are passed against both parties for going ahead with the trial. Be that as it may, learned Counsel for the Applicant assures the court that her client shall cooperate for expeditious disposal of the pending matters.

5 In the premises, the Misc. Civil Application is disposed of by ordering transfer of HMP No.A-29 of 2018 pending before the Family Court at Nasik to the Family Court at Kolhapur.

(S.C. GUPTE, J.)