

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.105/2019

Mrs. Pallaavi P. Gaikward ... Applicant.
Vs.
Pramod B. Gaikwad ... Respondent.

Mr.M.A.R.Shaikh, advocate for applicant.
Mrs.Tanaya Goswami, AGP for State.
Mr.Balwant Salunkhe for respondent no.1.

CORAM : K.K.TATED, J.
DATED : JUNE 17, 2019.

P.C.

Heard learned counsel for parties.

2. By this application u/s 24 of C.P.C., applicant/wife is seeking transfer of Marriage Petition no.591/2018 filed by respondent/husband us 13(1)(ia) of Hindu Marriage Act, pending before Civil Judge, Senior Division, Kalyan, Thane to Civil Judge, Senior Division, Pune for hearing and final disposal on its own merits.

3 Learned counsel for applicant submits that applicant is a housewife. She do not have any source of income. Nobody is there to accompany her from Pune to Kalyan to attend each and every date. Applicant/wife also filed petition u/s 9 for restitution of conjugal right at Pune and same is pending for hearing. He submits that applicant also filed criminal complaint under Protection of Women from Domestic Violence Act, 2005 which is pending for hearing. In both matters, respondent/husband is appearing through an advocate.

Therefore, in the interest of justice, this application be allowed. He submits that , if application is not allowed, irreparable loss will be caused to applicant.

4. Learned counsel appearing on behalf of respondent no.1 vehemently opposed present application. He submits that applicant has not shown sufficient ground for transfer of matter filed by respondent from Kalyan to Pune court. If the matter is transferred to Pune Court then, that be decided as early as possible.

5 Considering the submissions made by both parties and as other two applications filed by wife are already pending at Pune, I am of the opinion that, divorce petition filed by respondent at Kalyan can be transferred to Pune.

6. Considering the submissions made by the learned counsel for respondent no.1, hearing of matter is required to be expedited.

7. Hence, the following order.

a) Marriage Petition No.591/2018 filed by respondent/husband u/s 13(1) of Hindu Marriage Act, before Civil Judge, Senior division, Kalyan is transferred to Civil Judge, Senior division, Pune for hearing on its own merits.

b) Hearing of Marriage petition No.591/2018 is expedited.

c) This court expects the trial court to decide Marriage Petition No. 591/2018 at Pune as early as possible but, in any case on or before 31.12.2020.

d) Civil application stands disposed of .

e) No order as to costs.

f) Liberty granted to both the parties, to file appropriate application before Pune court for hearing pending matters together.

(K.K.TATED, J.)

