

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISCELLANEOUS CIVIL APPLICATION (TR) NO. 104 OF 2018

Rekha Shailesh Marathe (Miss Rekha Gajanan Joshi)

Vs.

Shailesh Vijay Marathe

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R. G. Kavimandan, Advocate for the applicant
Mrs. P. M. Chandekar, Advocate for the respondent.

CORAM : M. G. GIRATKAR, J.

DATE : 30/08/2019

This application is filed by the applicant/wife to transfer the petition filed by the respondent/husband before the Family Court, Pune to Civil Judge Senior Division, Malkapur.

The application is strongly opposed by learned Counsel Mrs. Chandekar for the respondent/husband on the ground that petition filed by respondent/husband is earlier petition. The respondent/husband is working in a corporate sector. Parents of the respondent/husband are old aged and, therefore, he is unable to attend the Court at Malkapur.

Heard learned Counsel Shri Kavimandan for the applicant/wife. He has pointed out the order-sheet in the case of Misc. Criminal Case No. 232 of 2017 pending before Judicial Magistrate First Class, Malkapur and submitted that the respondent/husband has appeared in that proceedings. If the petition filed by the

respondent/husband is transferred to the Court at Malkapur, then no prejudice will cause to him.

Learned Counsel Mrs. Chandekar has strongly objected the prayer and submitted that the respondent/husband is working in corporate sector. He will not get leaves. His parents are old age and, therefore, he has to take care of his parents. The application filed by the applicant/wife for grant of maintenance is ready for argument and likely to be decided.

Learned Counsel Shri Kavimandan has submitted that the case pending before the Judicial Magistrate First Class, Malkapur is fixed for evidence and not fixed for argument etc.

Learned Counsel Mrs. Chandurkar has submitted that evidence of husband is over. The matter is pending in the Court at Malkapur is likely to be decided within short period. If the petition pending before Family Court, Pune is transferred to the Court at Malkapur, then it will take time to decide. Moreover, by order dated 25.01.2018 passed by this Court, petition filed by the respondent/husband before Family Court is stayed, therefore, there is no progress.

The respondent/husband is already appearing before the Court at Malkapur. If the petition pending before Family Court, Pune is transferred to Civil Judge Senior Division, Malkapur, District Buldana, then no prejudice will likely to be caused to the

respondent/husband.

In that view of the matter, the application is **allowed.**

H.M.P. No. A-1300 of 2017 pending before Family Court, Pune is hereby transferred to Civil Judge Senior Division, Malkapur, Dist, Buldana.

Civil Judge Senior Division, Malkapur is directed to give the date in the transferred petition as far as possible on the date fixed in the application filed by the applicant/wife for grant of maintenance.

Civil Judge Senior Division, Malkapur is directed to decide the petition as early as possible within a period of six months form the date of receipt of the proceedings.

JUDGE

SMGate