

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

933 WRIT PETITION NO.13522 OF 2021

**VILAS KASHINATH KOLI
VERSUS
SUREKHA ALIAS SAMRUDHI VILAS KOLI**

...

Advocate for Petitioner : Surve Hemant

...

CORAM: MANGESH S PATIL,J.

DATE : 10.12.2021

P.C.:

Heard.

2] The petitioner and the respondent are husband and wife. The former has filed a proceeding under Section 9 of the Hindu Marriage Act whereas the latter has filed the proceeding for dissolution of marriage under Section 13(1) (ia) of the Hindu Marriage Act, 1955. By the order under challenge, the Family Court having noticed that the parties belong to Scheduled Tribe to whom, according to the learned Judge, Hindu Marriage Act is not applicable has directed both the sides to address the Court on that issue by producing necessary documents.

3] The learned advocate for the petitioner makes a statement that he has already filed an application seeking amendment of the petition for divorce filed by him as the one

under the Special Marriage Act. A specific prayer has also been made in this Writ Petition in prayer clause "C" seeking such conversion of the proceeding. Since the request is already pending before the Family Court, purpose of filing this Writ Petition will be served by directing the Family Court to pass appropriate order on his application whereby he has prayed for converting the Petition under the Special Marriage Act.

4] The Writ Petition is disposed of with above observations.

[MANGESH S. PATIL,J.]

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