

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.35 OF 2019

Sumaiyya Umar Farooq .. Applicant
Versus
Shoeb Abdul Hameed Kalyani .. Respondent

...

Mr.Himanshu Nagarkar for the Applicant.
Ms.Tahera Qureshi for the Respondent.

...

CORAM: BHARATI DANGRE, J.
DATED : 08th OCTOBER, 2021

P.C:-

1. By the present application, filed under Section 24 of the Code of Civil Procedure, the Applicant/Wife is seeking transfer of the proceedings instituted by the Respondent/Husband in the Family Court at Solapur vide Petition No.A-326 of 2018, seeking restitution of conjugal rights, to the Family Court at Bandra where the Applicant has filed proceedings for divorce. Pertinent to note that the Applicant has also filed proceedings under the Domestic Violence Act before the Court of Metropolitan Magistrate, Bandra.

2. On hearing the learned counsel appearing for the Applicant and the Respondent, the counsel for the Respondent gracefully accepts the difficulties posed by the Applicant in

attending the proceedings at Solapur and she, on the basis of instructions from her client, accords no objection for transfer of the proceedings from the Family Court at Solapur to the Family Court at Bandra. In the wake of the said statement, the Application is made absolute in terms of prayer clause (a).

At this stage, learned counsel for the Applicant makes a grievance that the Respondent is avoiding service in the Writ Petition pending in the Family Court at Bandra. Learned counsel for the Respondent, however, assures that he shall mark his presence in the proceedings and he has no intention to avoid the service.

3. Accepting the aforesaid statement as an undertaking to the Court, the Family Court at Solapur is directed to transfer Petition No.A-326/18 to the Family Court at Bandra and the said proceedings shall be tagged alongwith the Petition filed by the Applicant, which is pending in the same Court.

(SMT. BHARATI DANGRE, J.)