

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 151 OF 2021

Pallavi Kiran Reddy	.. Applicant
Versus	
Kiran Nalla Reddy	.. Respondent

...

Mr. Ajit V. Alange for the applicant.
Mr. Sabeena Mahadik i/b Harshala Kandhalkar for the respondent

CORAM: BHARATI DANGRE, J.
DATED : 17th NOVEMBER, 2021

P.C:-

1 By the present application, the applicant wife is seeking transfer of Petition No. A-465/21 filed by the respondent husband seeking divorce in the Family Court at Solapur. Pertinent to note that the applicant herself has instituted petition No.273/2020 before the Family Court at Solapur under Section 13(1)(i)(a) of the Hindu Marriage Act for Divorce and permanent alimony.

2 Both the parties are desirous of the same result, being dissolution of marriage solemnized between them on 4th December 2016, but independent proceedings are filed by each one of them in two distinct Courts.

3 Since the transfer application is filed by wife invoking Section 24 of the Code of Civil Procedure, where she seek transfer of proceedings filed by the husband to the Court where she has instituted the proceedings, on account of a child born out of the wedlock and being catered to, by her who is 2 yrs and 3 months, I deem it appropriate to transfer the proceedings filed by the husband to the Family Court at Solapur. The Family Court, Solapur is requested to convert the proceedings into a Petition under Section 13(b) i.e. Petition for Divorce by Mutual Consent, which would save the allegations and counter allegations being levelled against each other, by the parties and as it will also save time of the Court and of the parties would make the separation dignified.

4 Needless to state that the application for permanent alimony filed by the wife shall also be determined by the Family Court, since the Family Court is competent to adjudicate the same.

5 Necessarily, Miscellaneous Civil Application is allowed in terms of prayer clause (b) which read as under :-

“(b) That this Hon’ble Court be pleased to transfer the hearing of Petition No. A-465 of 2021 filed by the Respondent herein, pending on the file of the Ld. Family

Court Mumbai at Bandra to the file of Ld. Family Court Solapur at Solapur, having similar jurisdiction to try and entertain the same”

6 The Family Court at Bandra shall forthwith transmit the Record and Proceedings of Petition No.A-465 of 2021 pending on its file to the Family Court at Solapur.

7 No order as to costs.

SMT. BHARATI DANGRE, J