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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.127 OF 2021**

Ketaki Vishweshwar Laad
nee Ketaki Khot

.... Applicant.

V/s

Vishweshwar Suraj Laad

.....Respondent

**ALONGWITH
MISC. CIVIL APPLICATION (ST) NO.94743 OF 2020**

Vishweshwar Suraj Laad

.... Applicant.

V/s

Ketaki Vishweshwar Laad

.... Respondent.

Mr. Samarth Moray i/b Mr. Raju Moray for the Applicant in MCA
No.127 of 2021.

Mr. Gandhar Raikar for the Respondent in MCA No.127 of 2021 and
for the Applicant in MCA (ST) No.94743 of 2020.

Mr. Samarth Moray i/b Vishwanath Talkute for the Respondent in MCA
(St) No. 94743 of 2020.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 08, 2022

P.C.:-

1] Mr. Raikar learned Counsel for the husband informs that Article 5 of the Portuguese Civil Code confers right on the Civil Court to entertain the proceedings within the State of Goa, provided marriage is performed in the State of Goa. He would claim that in the aforesaid background, application preferred by the wife for transfer needs to be rejected and the application preferred by the husband needs to be

allowed.

2] As far as aforesaid contention of Mr. Raikar is concerned, this Court in its common order dated 22nd February, 2021 passed in Misc. Civil Application No. 125 of 2019 and in Misc. Application No.130 of 2020 has already dealt with the said submissions. Apart from above, similar issue has cropped up before another Bench of this Court (Coram: S. K. Shinde, J.) and similar view, as has been expressed by this Court in the aforesaid judgment, is taken. That being so objection raised by Mr. Raikar is overruled.

3] As a consequence of above, Misc. Civil Application No. 127 of 2021 stands allowed in terms of prayer clause (a) whereas Misc. Civil Application (St.) No.94743 of 2020 preferred by the husband stands rejected.

4] Prayer clause (a) of Misc. Civil Application No.127 of 2021 reads as under:-

“(a) This Hon’ble Court be pleased to transfer Matrimonial Petition No.14/2020/A filed by the Respondent before the Ld. Civil Judge, Senior Division, Quepem, South Goa to the Ld. Family Court, Bandra, Mumbai and tag/club the same along with M.J. Petition No.A-2195 of 2017 already pending between the same parties before the Ld. Family Court, Bandra.”

(NITIN W. SAMBRE, J.)