

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 131 OF 2023

Amol Bhausaheb Mali
v/s.
Swapnali Amol Mali

.. Applicant

.. Respondent

...

Mr. Ajinkya M. Udane i/b. Vinayak Pandit for the applicant.

...

CORAM : KAMAL KHATA, J.

DATED : 25TH JULY 2023.

P.C. :

1. This Miscellaneous Civil Application is filed by the applicant under section 24 of the Civil Procedure Code 1908, for transfer of Marriage Petition No.618/2022 along with various proceedings filed by the respondent wife at various forums, to Family Court, Pune.
2. The applicant's case is that the marriage took place on 6th January 2013. Out of said wedlock, the applicant gave birth to a baby boy on 27th October 2015. On account of marital discord, the applicant and the respondent have been residing separately since 23rd November 2016. She has been residing

with her parents. On 20th January 2018, Divorce Petition under Section 13(i)(ia) under Hindu Marriage Act was filed against the respondent before Civil Judge, Senior Division, Latur.

3. On 16th February 2018, Maintenance Petition under Section 125 of Cr.P.C. was filed against the applicant at J.M.F.C. Chikhali, District Buldhana. On 17th June 2019, by order, this Court (Nagpur Bench) transferred the Divorce Petition to Civil Judge, Senior Division, Latur to Civil Judge, Senior Division, Buldhana.

4. On 31st August 2019, the respondent had filed a D.V. case before J.M.F.C. Pune and on 29th December 2020 Restitution of Conjugal Rights case was filed before the Family Court, Pune. On 18th August 2021, this Court transferred the Divorce Petition proceedings from Civil Judge, Senior Division, Buldhana to Civil Judge, Senior Division, Pune. On 20th April 2022, this Court permitted transfer of maintenance proceedings from J.M.F.C. Chikhali, District Buldhana to J.M.F.C. Pune.

5. The learned counsel for the applicant submits that the

respondent is admittedly staying at Pune. By order dated 18th August 2021 and 20th April 2022 this court has acknowledged that the respondent is staying at Pune. The applicant therefore submits that no prejudice will be caused if all the proceedings are tried by the Family Court at Pune.

6. In spite of service, the respondent has failed to appear.
7. In view of the above, I am inclined to allow this application and pass the following order;
 - (i) Application is allowed in terms of prayer clauses (a), (b) & (c).
 - (ii) The proceedings bearing HMP No.618/2022 pending before Civil Court, Senior Division, Pune, along with restitution proceedings bearing no.1163/2020, maintenance proceedings bearing M.A. No.65/2018 and D.V. proceedings bearing Cri.M.A. no.829/2019 filed by the respondent-wife, pending before J.M.F.C. Pune be stayed pending transfer; and be transferred to the Family Court, Pune.
 - (iii) The Registry shall forward a copy of this order to the J.M.F.C. Pune, with instructions to forthwith transmit all the records of all the proceedings between the Respondent and

Applicant to the Family Court, Pune, preferably within 4 weeks from the receipt of this order.

(iv) The Family Court, Pune shall on receipt of the records of all the proceedings, fix a date preferably within 3 weeks and issue notice to the parties for proceeding with the matter.

(v) All concerned to act on the authenticated copy of this order.

(KAMAL KHATA, J.)