

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

MISCELLANEOUS CIVIL APPLICATION NO.505 OF 2022

SHIKHA OMKAR MAHADIK NEE

SHIKHA BABULNATH PANDEY

)...APPLICANT

V/s.

OMKAR ASHOK MAHADIK

)...RESPONDENT

Ms Pooja Thorat i/b Mr. R.U. Singh, Advocate for the Applicant.

Ms. Rutika K. Kesarwani, Advocate for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 10th NOVEMBER, 2023

P.C. :

1. Ms. Pooja Thorat, learned Counsel appears for the Applicant and seeks to tender across the bar an affidavit dated 21st October, 2023 of the Applicant stating details. Let the said Affidavit be taken on record.

2. Since none appeared for the Respondent, this matter was kept back in the morning session.

3. When the matter is called out in the afternoon session, Ms. Rutika K. Kesarwani, appears for the Respondent and seeks to tender across the bar an affidavit in reply dated 12th October, 2023 on behalf

of the Respondent. The said Affidavit is taken on record. Learned Counsel for the Respondent submits that the Respondent Husband has no objection if the Marriage Petition No.76 of 2022 filed by the Respondent-Husband seeking divorce from the Applicant is allowed to be transferred to Family Court, Bandra subject to all contentions of the Respondent with respect to the allegations made in the Application being kept open.

4. Having heard the learned Counsel and having considered the no objection of the Respondent, this Miscellaneous Civil Application is allowed in terms of prayer clause (a) which reads as under :

(a) This Honourable Court may please to appropriate order for the transfer of the records and proceedings of M.P. NO.76 of 2022 filed by the Respondent against the Applicant before THE COURT OF CIVIL JUDGE S.D. THANE AT LINK COURT BHIWANDI against the applicant to the HONOURABLE FAMILY COURT AT BANDRA, MUMBAI.

5. All contentions of the Respondent with respect to the allegations made in this Application are kept open.

6. Miscellaneous Civil Application stands allowed in the above terms.

(ABHAY AHUJA, J.)