



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.330 OF 2022

Mrs. Sujata Vishal Yadav

@ Sujata Filip Sasane

Vs.

Mr. Vishal Arun Yadav

... Applicant

... Respondent

None for the Applicant.

None for the Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 28 AUGUST, 2023.

P.C. :

1. This application had been preferred by the Applicant-wife for transfer of marriage petition filed by the Respondent-husband before the Civil Judge Senior Division, Sangli to the Family Court at Bandra.

2. Notice was issued to the Respondent on 14th October, 2022 and in the meanwhile the Marriage Petition No.A-38/2022 pending before the Civil Judge Senior Division, Sangli were stayed. Thereafter, certain orders correcting the name of the Respondent was passed and notice was issued to the Respondent and the service report was awaited. Thereafter, it was recorded that the notice issued to the Respondent was returned unserved with the Bailiff's report "Not residing at given address. Now residing at Mhatre Niwas, Ground floor, Room

No.1, Near Bacholi Maidan, Sector-20, Nerul – 400 706.” and the said office note also stated that stay writ was received duly certified from the lower court. Thereafter, a letter dated 23rd December, 2022 has been received from the Family Court, Sangli which has been placed at flag ‘A’ in the proceedings.

3. Pursuant to the withdrawal pursis filed by the Petitioner stating that both the parties were residing together, the proceeding pending before the Sangli court was disposed of fully by an order dated 14th October, 2022 uploaded on 15th October, 2022.

4. It is observed from the letter dated 23rd December, 2022 of the Family Court that although there was a stay on the proceedings filed before the said court, the Family Court at Sangli was not aware of the same and bonafidely went ahead and disposed of the matter on the basis of the withdrawal pursis.

5. It is observed from the annexures to the said letter that the said notice has been dispatched from the appellate side of this court on 6th December, 2022 and was received by the office of the Civil Judge Senior Division at Sangli on 14th December, 2022 by when the proceedings before the Sangli court had also been disposed of.

6. A perusal of the communication from the Sangli court and its annexures

clearly suggests that the Judge of the Family Court at Sangli was not aware of the stay granted by this court on 14th October, 2022 and on the basis of the withdrawal pursis filed by the Petitioner disposed of the said Petition No.A-38 of 2022.

7. Accordingly, nothing survives in this application, in view of the disposal of the Marriage Petition before the Family Court at Sangli.

8. The application is accordingly disposed as infructuous.

(ABHAY AHUJA, J.)