



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4570 OF 2022

Kamlesh S/o Chandrakant Suryavanshi .Vs. Swati W/o Kamlesh Suryavanshi alias
Swati Nilkanthrao Pohare

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.S. Badhe, Advocate for petitioner.

Shri P.S. Girdekar, Advocate for respondent.

CORAM : ANIL S. KILOR, J.

DATED : 23/10/2023

1. The petitioner has filed a proceeding for dissolution of marriage which was filed at Solapur and on application for transfer made to this Court it was transferred to Akola. However, the petitioner was directed to pay to and fro charges to the tune of Rs.15,000/- to the respondent. Thereafter, on transfer of said matter at Akola, a pursis came to be filed for withdrawal of the said proceeding. The learned trial Court allowed to withdraw the said proceeding subject to costs of Rs.40,000/-. The said order dated 09.06.2022, is under challenge in this writ petition.

2. This Court while issuing notice to the respondent directed the petitioner to deposit Rs.10,000/- in this Court vide order dated 05.08.2022. The learned counsel for the petitioner submits that, if the respondent is

agreeable to accept Rs.10,000/- the petition can be disposed of without going into the merits of the matter.

3. The learned counsel for the respondent strongly opposed the said suggestion and he points out that after withdrawing the application for dissolution of marriage on transfer from Solapur to Akola, the petitioner has filed another proceeding at Solapur for nullity of marriage.

4. It is submitted that, it shows the intention and conduct of the petitioner. It is further submitted that the respondent is having a minor daughter of four and half years and the respondent needs to attend the matter at Solapur.

5. In the circumstances, he submits that considering the intention of the petitioner, the costs imposed may not be interfered with.

6. After going through the record and it is revealed that earlier a proceeding under Section 13(i)(a) of the Hindu Marriage Act, 1955 was filed by the petitioner before the Family Court at Solapur and at the instance of the respondent, this Court transferred the said matter to Akola and immediately thereafter, the said matter was withdrawn and another matter of nullity was filed at Solapur.

7. In the circumstances, I am of the opinion that, considering the conduct of the petitioner, this Court should not interfere with the impugned order. Accordingly, the writ petition is **dismissed**.

8. The respondent is permitted to withdraw the amount deposited in this Court.

JUDGE