

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 424 OF 2023

Neha Ashish Patil .. Applicant
Versus
Ashish Prakash Patil .. Respondent

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- Mr. Akshay Bhay Kulkarni for Applicant
 - Mr. Pandit Kasar for Respondent
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 18, 2024

P. C.:

1. Heard Mr. Kulkarni, learned Advocate for Applicant and Mr. Kasar, learned Advocate for Respondent.

2. By present Misc. Civil Application (MCA), Applicant seeks transfer of Hindu Marriage Petition A No. 44 of 2022 filed by the Respondent and pending before the Ld. Family Court Kolhapur, at Kolhapur for decree of divorce under section 13 (1) (i) (a) of the Hindu Marriage Act, 1955 to the Court of Civil Judge Senior Division Jaysingpur, at Jaysingpur.

3. Applicant - wife has also filed D.V. Act proceedings before the JMFC at Jaysingpur. It is stated that it would be in the interest of justice if Marriage Petition is transferred from Family Court at Kolhapur to the Court of Civil Judge Senior Division, Jaysingpur at

Jaysingpur and is heard along with D.V. Act proceedings filed by Applicant together.

4. The only grievance expressed by Respondent is that Respondent Nos. 2 and 3 in the D.V. Act proceedings who are parents of Respondent be exempted from their appearance due to their old age and medical ailments. That undoubtedly can be allowed as a ground of hardship expressed by Respondent for his parents. Needless to state that Respondent and his brother who are parties to the D.V. Act proceedings are not exempted from appearance before the Court.

5. In view of the above and by consent of both the learned Advocates, MCA is allowed in terms of prayer clause (a) which reads thus:-

"(b) To transfer the Hindu Marriage Petition A No. 44 of 2022 filed by the Respondent and pending before the Ld. Family Court Kolhapur, at Kolhapur for decree of divorce under section 13 (1) (i) (a) of the Hindu Marriage Act, 1955 to the Court of Civil Judge, Senior Division Jaysingpur, at Jaysingpur;"

6. In addition to the above, it is clarified that D.V. Act proceedings which is filed by Applicant before JMFC, Jaysingpur at Jaysingpur shall also stand transferred to the Court of Civil Judge Senior Division Jaysingpur at Jaysingpur and both the Petitions shall be heard together strictly in accordance with law.

7. Request is made by both the learned Advocates to ensure that this order be complied with urgently by the concerned Courts. In view

of this request, all the concerned Courts are directed that they shall act on a server copy of this order and not insist upon certified copy of this order. If either of the party approaches along with server copy of this order, the concerned Courts shall act on the same and do the needful within a period of one week thereof. This direction is passed as this Court is repeatedly receiving grievance from the litigants that though this Court passes the order of transfer of proceedings, the concerned Courts are not acting on the same promptly and delaying the transfer for one reason or the other.

8. With the above direction, MCA is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

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AMBERKAR
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by RAVINDRA
MOHAN
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Date:
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