

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.289 OF 2024

Sanjay Shashikant Waskar

.. Applicant

Versus

VijayaLaxmi Sanjay Waskar

.. Respondent

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- Mr. Vipin Bidkar, Advocate for Applicant.
- Ms. Stefy J. Dias i./by Mr. Umesh R. Mankapure, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 25, 2024

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard Mr. Bidkar, learned Advocate for Applicant and Ms. Dias, learned Advocate for Respondent. By consent taken up for hearing.
- 3.** The Respondent – wife has filed a Marriage Petition under Section 9 in the Family Court at Solapur which is pending. That apart, there are proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short '**D.V. Act**') which are filed in Solapur. The Miscellaneous Civil Application when originally filed sought transfer of both the twin proceedings in Solapur to Family Court, Pune where the Applicant has filed his Marriage Petition for separation / dissolution.
- 4.** Today, Mr. Bidkar has placed before me a draft amendment stating that he is ready and willing to concede and seek an order of the

Court to transfer his Marriage Petition from Pune to Family Court at Solapur which would enure to the benefit of the Respondent – wife. He would submit that it would be inappropriate if the Petitions are heard by two different Courts which would ultimately lead to conflict of decisions and it would be detrimental and prejudicial to both the sides. The conduct of Applicant in this case of seeking such a transfer is appreciated by the Court since it would enure to the benefit of Respondent – wife.

5. In that view of the matter, without delineating any opinion on merits of the matter, the draft amendment is taken on record. It is permitted to be carried out within a period of four weeks from today. Re-verification stands dispensed with. As per the draft amendment, Marriage Petition filed by the Applicant – husband bearing No.874 of 2021 in the Family Court at Pune stands allowed and transferred to the Family Court at Solapur. Similarly, in view of this order the original Miscellaneous Civil Application seeking transfer of the twin proceedings from Solapur to Pune stands rejected.

6. Resultantly, the Miscellaneous Civil Application pursuant to carrying out amendment stands allowed in terms of amended prayer clause (b) which reads thus:-

“b) Or transfer marriage petition for divorce against the respondent U/s. 13/ 13(1) (i-a) of the Hindu Marriage act 1965, before the Ld. Joint Civil Judge Senior Division, Pune bearing marriage petition No.874/2021 to Solapur Court so it can be

*tried along with Hindu Marriage Petition bearing No. 13 /2022,
which is pending before Ld. Civil Judge Sr. Division Solapur.”*

7. With the above directions, Miscellaneous Civil Application
stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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