

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.99 OF 2024

Rohan Rajendra Korhale

.. Applicant

Versus

Sonal Rohan Korhale

.. Respondent

.....

- Mr. Ramesh Jadhav, Advocate for Applicant.
- Mr. Rahul Mishra a/w. Ms. Kajal Patil, Advocates for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 28, 2024

P.C.:

1. Heard Mr. Jadhav, learned Advocate for Applicant and Mr. Mishra, learned Advocate for Respondent.

2. The Applicant seeks transfer of Divorce Petition filed by Respondent.

3. Mr. Jadhav would draw my attention to the provision of Section 21A of the Hindu Marriage Act, 1955 (for short '**the said Act**') and more specifically sub-section 2(b) thereof and after reading the same would contend that the Petition filed by wife is subsequent in point of time and therefore under the extant provisions is required to be transferred to the Court where the previous Petition filed by the husband is pending.

4. Mr. Mishra has drawn my attention to sub-section 3 of the said Act to be read alongwith Section 24 of the Code of Civil

Procedure, 1908 (for short '**CPC**') and would contend that the qualification stated in sub-section 3 of the said Act is subject to and notwithstanding the provisions of the CPC and that would entail the reading of Section 24 of the CPC in the present case.

5. What Mr. Mishra would contend is that the grounds of hardship of Respondent in such a matter will have to be looked into by the Court in view of the provisions of sub-section 3 of the said Act.

6. Mr. Jadhav persuades the Court to give him some time to make some research and apprise the Court on the next adjourned date.

7. Parties shall ensure that before the concerned Family Court they shall take an adjournment in the proceedings by making a joint request in the interregnum.

8. At request of Mr. Jadhav, stand over to **06th September, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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