

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 327 OF 2025

**ANAND
SUDHAKAR
SUDAME**

Charu Kshitij Jagtap

..Applicant

Versus

Kshitij Sanjay Jagtap

..Respondent

Digitally signed by
ANAND
SUDHAKAR
SUDAME

Mr. Samarth Moray a/w. Mr. Mannesh M. Gaware i/b. Ms. Shivani
Shinde, Advocates, for the Applicant
Mr. Ajinkya Murumkar (Through VC), Advocate, for the Respondent

Date: 2025.10.14
18:13:59 +0530

CORAM : RAJESH S. PATIL, J.

DATE : 09.10.2025

P C.

1. This is a transfer Application filed by the Applicant, wife of the Respondent thereby seeking transfer of three matters pending before District Court, Thane to the Family Court, Bandra, Mumbai.
2. The Respondent – husband has filed a Petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Family Court, Thane, as the husband is residing in Thane.
3. Initially, the Applicant – wife was staying at Mulund which is very close to Thane. She was staying on rent in Thane. She has filed a divorce Petition before the Family Court, Thane. So also she has filed a D. V. proceeding before the learned JMFC, Thane.

4. Insofar as Section 9 of the Hindu Marriage Act is concerned, husband has also filed his Affidavit of evidence in the said proceedings. Even a Divorce Petition which is tagged along with the Petition filed under Section 9 of the Hindu Marriage Act have proceeded further and have reached to the stage of evidence.

5. It is the case of the Applicant – wife that she has filed an Interim Maintenance Application for herself and for her 8 years daughter, who is staying with her at present. However, it is submitted that insofar as a sum of Rs. 17,000/- per month maintenance amount is concerned, the Respondent – husband is in arrears of maintenance of Rs. 3,70,000/-.

6. Mr. Murumkar, learned Counsel for the Respondent – husband submitted that his client will clear arrears of maintenance without prejudice to the rights and contentions of both the parties by tomorrow by depositing the aforesaid amount in the Bank account of the Applicant – wife, as the Respondent – husband is working as Vice President of the Axis Bank.

7. The Applicant – wife has filed the present proceeding, since she had joined a new office at BKC, Bandra, Mumbai.

8. After the matter was argued for some time, learned Counsel for the Applicant – wife in all fairness, on instructions of the Applicant – wife submitted that the Applicant – wife desires to withdraw the

aforesaid Application, if the hearing of the proceeding pending before the Family Court, Thane is expedited and the D. V. proceedings pending before the learned JMFC, Thane is transferred to the Family Court, Thane and be heard along with the proceeding which is already pending.

9. In view of the same, the Miscellaneous Civil Application stands disposed of with the following directions.

O R D E R

(i) The D. V. proceeding, being PWDVA No. 21 of 2022 pending before the learned JMFC, Thane is transferred to the learned Judge of the Family Court, Thane who is taking up the matter, being Petition No. A19 of 2022 along with Petition No. A73 of 2022;

(ii) The proceeding of PWDVA No. 21 of 2022 pending before the learned JMFC, Thane be transferred to the Family Court, Thane within a period of four weeks from today;

(iii) All the three proceedings be clubbed and heard together by one and the same Judge who is taking up the aforesaid matters;

(iv) Statement is made by learned Counsel for the Respondent – husband, that arrears of maintenance of Rs. 3,70,000/- will be cleared tomorrow by 5.00 p. m.. The statement is accepted as an undertaking given to this Court.

10. All concerned to act on the authenticated copy of this Order.

(RAJESH S. PATIL, J.)