

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 1 OF 2026

Sonali Pritam Desai

... Applicant

Versus

Pritam Tanaji Desai

... Respondent

Mr. Ganesh Jadhav for the Applicant.

Mr. Umesh Mankapure i/by Adv. Siyal Magdum for the Respondent.

Mr. Vishwesh Bobade brother of Applicant present.

CORAM : M. M. SATHAYE, J.

DATE : 13th February 2026.

P. C. :

1. This Application is filed by the Applicant-Wife seeking transfer of the proceedings under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, being Marriage Petition No. 123/2020, pending before the Civil Judge, Senior Division, Islampur, to the Family Court at Satara.
2. After hearing the learned Counsel for the parties for some time, it transpired that the aspect of inherent jurisdiction of the Court at Islampur requires consideration.
3. Learned Counsel for the Applicant has raised the issue of inherent jurisdiction, admittedly, for the first time before this Court.
4. Learned Counsel for the Respondent-Husband pointed out that neither in her written statement nor in the affidavit of examination-in-chief filed by the wife, this issue of inherent jurisdiction has been raised at any point of time. He rightly submitted that such a contention cannot be considered and ruled on, for the first time in Transfer Application.

5. Confronted with such a situation, learned Counsel for the Applicant–Wife, on instructions of Mr. Vishwesh Bobade, brother of the Applicant–Wife who is present in Court, seeks permission to withdraw this Transfer Application with liberty to file an appropriate application raising objection as to inherent jurisdiction, based on the place where the parties last resided together.
6. It is seen that during the course of hearing that the learned Trial Judge has already fixed a timeline under order dated 16.01.2026.
7. Considering the above, this Miscellaneous Civil Application is disposed of as withdrawn, with liberty/directions as follows :
 - (A) If the Applicant–Wife files an application raising objection as to inherent jurisdiction, as indicated above, within a period of two weeks from today, the Trial Court shall consider the same first, in accordance with law.
 - (B) It is further directed that the Applicant–Wife shall be at liberty to participate in the proceedings before the Islampur Court through video conferencing, if available.
 - (C) Parties are directed to co-operate with the Trial Court for expeditious disposal of the case.
8. All concerned to act on duly authenticated or digitally signed copy of this order.

[M. M. SATHAYE, J.]