

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
--	--	---------------	----------------------------

MISC.CIVIL APPLICATION NO.: 33 OF 2015

BIMLA BADALSINHA CHITODIYA

VERSUS

BADALSINHA UTTAMSING CHITODIYA

WITH

MCA/34/2015

SHAKUNTALA KISANSINHA CHITODIYA

VERSUS

KISANSINHA UTTAMSING CHITODIYA

...

Advocate for Applicant : Mr. Deshmukh Sachin S.

Advocate for Respondent: Mr. Swami Sandeep C.

CORAM: T. V. NALAWADE, J.

DATED: 3rd SEPTEMBER, 2015.

PER COURT:

1. Both the applications are filed for transfer. The Applicants are real sisters inter-se and the Respondents are real brothers inter-se. It appears that the present applicants were given in marriage in the family of Respondents and similarly sisters of the Respondents were given in marriage in the family of the parents of the applicants. Unfortunately, these four couples are having

dispute. The husbands, present Respondents have filed divorce proceedings against the present Applicants and the Applicants have filed proceedings under section 9 of Hindu Marriage Act for restitution of conjugal rights.

2. The sisters of the Respondents have filed divorce proceedings and their proceedings are pending in the Latur Court. However, those matters need not be considered with the present matters as those parties are not before this Court.

3. Both the sides are heard. Submissions made show that the present Applicants are house wives and they are residents of Amravati. The husbands are in business and they are residents of Latur. The submissions made show that the proceedings for restitution of conjugal rights were filed at Amravati first in point of time and then divorce proceedings came to be filed. It is the case of the applicants that they are required to take male attendant with them to Latur for appearing in the divorce matters and for contesting those matters. It was submitted that in any case the Respondents will be required to come to Amravati for contesting the matters filed under section 9 of Hindu Marriage Act. It is

submitted that the Respondents have resource and they can spend and they will not be required to take any attendant and so for convenience of both the sides and also particularly for the convenience of the applicants and to enable them to contest the divorce matters effectively, it has become necessary that the divorce matters are transferred from Latur Court to Amravati Court. Learned counsel for the Respondents submitted that this Court has no jurisdiction to transfer these matters from Latur to Amravati Court. This submission is not acceptable. This Court has the power to transfer the present proceedings.

4. In view of the aforesaid circumstances, this Court holds that for convenience of both sides it is desirable that the divorce proceedings are withdrawn from the Court at Latur and transferred to the Court at Amravati.

5. In the result, both the applications are allowed and disposed of. The H.M.P. Petitions filed for divorce in the Court of Civil Judge, Senior Division, Latur are hereby withdrawn from that Court and they are transferred to the Court at Amravati. If there is Family Court established at Amravati the proceedings are transferred

to the Family Court at Amravati and if there is no Family Court established at Amravati then the matters are to be transferred to the Court of Civil Judge, Senior Division where the matters filed for restitution of conjugal rights are pending. The new Court is to see that the dates of both the proceedings like the proceedings filed for restitution of conjugal rights and for divorce are kept on the same day and convenience of both the sides is taken care of. The parties are to appear before the new Court on 15th October, 2015.

[T. V. NALAWADE, J.]

Dt.03/09/2015
ans/33