

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Misc. Civil Application (Tr) No. 1189/2014
(Sau. Ujjawala @ Shubhangi Pundlik Yewatkar .vs. Pundlik Martandrao
Yewatkar)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. C.A. Babrekar, Advocate for Applicant.
Mr. R.g. Kavimandan, Advocate for Respondent.

CORAM : A.V. Nirgude, J.
DATED : April 24, 2015.

Heard.

2. This is wife's application for transfer of husband's divorce petition from Buldhana Court to Achalpur Court. Facts leading to this litigation are as under:-

3. On 12.03.2013 respondent/husband filed his case seeking divorce in the Court of Civil Judge, Senior Division, Buldhana. Wife attended this case on number of occasions though the distance between her residence at Achalpur and Buldhana is about 4 ½ hours long bus journey. The applicant/wife also filed her case for restitution of conjugal rights in April, 2013. She filed it in the Civil Court at Achalpur. Husband also attended this case. However, the case initiated by husband at Buldhana Court has made substantial progress. Evidence is partly recorded. On the other hand, in wife's case so far evidence is not recorded. Only pleadings are complete. It is undesirable to keep these two related cases pending before two different Judges. There can be

conflict of opinions between the Judges and it would lead to anomaly. In order to avoid this, this Court is required to club both these cases and should place it before one Judge who would then deliver judgment in both these cases either jointly or one after other. Since the case at Buldhana has attained considerable progress, it would better if wife's case at Achalpur is transferred to Buldhana Court. I am told that in this case pending before Buldhana Court, it is the turn of the wife to record her deposition in cross-examination. The parties may consider as to whether they would lead further evidence in wife's case even if it is clubbed with the husband's case. But because of clubbing of these cases, repetition in evidence would be avoided. It would, therefore, be prudent to transfer H.M.P.No.81/2013 pending before Civil Judge, Senior Division, Achalpur to the Civil Judge, Senior Division at Buldhana.

4. The H.M.P.No.81/2013 pending before Civil Judge, Senior Division, Achalpur is transferred to the Court of Civil Judge, Senior Division at Buldhana. Application is disposed of in the aforesaid terms.

JUDGE

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