

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISCELLANEOUS CIVIL APPLICATION NO. 116 OF 2015

Dr. Sunayana W/o Swapnil Randive,
Age- 27 years, Occ. Education,
R/o House No. 1-17-510,
Kailash Nagar Nanded,
Tq. and Dist. Nanded

...APPLICANT

versus

Dr. Swapnil S/o Madhavrao Randive,
Age- 33years, Occup. Medical Practitioner,
R/o Randive Hospital,
Bhavani Nagar Kandhar,
Tq. Kandhar, Dist. Nanded.

...RESPONDENT

.....

Mr. Gajanan G. Kadam, Advocate for applicant
Mr. R.B. Narwade Patil, Advocate for respondent

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 27th JANUARY, 2016

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. Heard learned counsel for parties finally, by consent.
2. The applicant and respondent are wife and husband *inter-se*. The applicant-wife had instituted proceedings for restitution of conjugal rights bearing Hindu Marriage Petition No. 259 of 2013 in the court of Civil Judge, Senior Division, Nanded. After its transfer to the Family Court, Nanded, it is renumbered as

A-224 of 2014) whereas respondent – husband had instituted proceedings bearing Hindu Marriage Petition No. 53 of 2013 in the court of Civil Judge, Senior Division, Kandhar, where he is carrying occupation as medical practitioner.

3. In view of aforesaid, a request is made by wife to have transfer of proceedings pending at Kandhar Court to Family Court, Nanded. Learned counsel for the respondent resists request under transfer application, however, he resiles to the situation that both the proceedings can be disposed of as expeditiously as possible, in case, the proceedings at the behest of respondent at Kandhar court is transferred to Family Court at Nanded. Both the parties have their occupations as medical practitioners.

4. Under the circumstances, proceedings instituted at the behest of respondent – husband bearing Hindu Marriage Petition No. 53 of 2013 in the court of Civil Judge, Senior Division, Kandhar, shall be transferred to the Family Court at Nanded.

5. Having regard to the peculiar facts of the case, the proceedings instituted by applicant-wife for restitution of conjugal rights bearing Hindu Marriage Petition No. 259 of 2013 in the Family Court, Nanded, [renumbered as A-224 of 2014] and the proceedings instituted by respondent – husband bearing Hindu

Marriage Petition No. 53 of 2013 court at Kandhar, after its transfer to Family Court, Nanded shall be disposed of as expeditiously as possible, preferably within a period of six months from the date of appearance of the parties before the Family court. The parties to appear before the Family Court at Nanded on 29-02-2016. Hopefully, both the proceedings would be proceeded with simultaneously.

6. Accordingly, miscellaneous civil application is allowed in terms of prayer clause "C" and stands disposed of.

7. Rule made absolute in aforesaid terms.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK