

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

MISC.CIVIL APPLICATION NO. 30 OF 2017

Mrs.Rupali Bhushan Patil

...Applicant

vs.

Mr.Bhushan Bhsakar Patil

...Respondent

Mr.Amit A. Gharte for Applicant.

Mr.Bhushan Bhaskar Patil, Respondent in person present along with father in court.

CORAM : S.C. GUPTE, J.

1 FEBRUARY 2017

P.C.:

This MCA seeks transfer of a marriage petition which is pending before the court of Civil Judge, Senior Division, Kalyan to the court of Civil Judge, Senior Division at Bhusaval. The Applicant's own petition for divorce is pending before the latter court. The Respondent is, in any event, attending this proceeding. It is in the interests of justice that both these proceedings, namely, Applicant's divorce petition, which is pending, and the Respondent's petition for restitution under Section 9 of the Hindu Marriage Act, should be heard by one court and in the facts of the case, which are reflected in the MCA, it is also in the interests of justice that the court of Civil Judge, Senior Division at Bhusaval, should hear the two petitions rather than the court at Kalyan. The Respondent has no objection to this transfer application. It is, however, his submission that since he lives in Dombivali and works in Mumbai, it will be difficult for him to attend three different proceedings at Bhusaval. (Apart from the divorce petition, the Applicant has also filed a criminal proceeding under the Domestic Violence Act at Bhusaval.)

2 Learned Counsel for the Applicant alleges these fears by submitting that his client is agreeable to have the domestic violence proceedings pending before the Magistrate's Court at Bhusaval also transferred to the Civil Judge, Senior Division at Bhusaval. If these proceedings are so transferred, all these matters shall be considered by the same court, namely, the court of Civil Judge, Senior Division at Bhusaval. Learned Counsel for the Respondent has no objection to this course being adopted.

3 In the premises, the application is disposed of by transferring Marriage Petition No. 1287/2016 from the file of C.J.S.D., Kalyan to the file of C.J.S.D., Bhusaval, to be heard along with Marriage Petition No.257/2016 pending before the latter court. Domestic Violence Application No.45/2015 pending before Judicial Magistrate, First Class, Bhusaval is also transferred to the file of C.J.S.D., Bhusaval, to be heard along with the pending marriage petitions.

4 The MCA is disposed of accordingly.

(S.C. GUPTE, J.)