

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO.50 OF 2016**

Sou. Ashwini Chetan Sanmukh ...Applicant

vs.

Shri. Chetan Vitthal Sanmukh ...Respondent

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Mr. S.R. Ghanwat, i/b. Mr. V.S. Talkute, for the Applicant.

Mr. Nagesh Y. Chavan, for the Respondent.

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**CORAM : S.C. GUPTE, J.**

**DATED : 22 MARCH 2017**

**P.C. :**

. This Miscellaneous Civil Application seeks transfer of a Marriage Petition for restitution of conjugal rights by the Respondent husband before the Court of Civil Judge, Senior Division, Sangli. The Respondent opposes the application. The Applicant wife's petition for divorce is pending before the Court of Civil Judge, Senior Division, Malshiras. It is submitted that the Respondent husband has filed a written statement and a counterclaim for divorce in the pending divorce petition of the Applicant wife. On these facts, it is in the interest of justice that both marriage petitions be heard by one Court. In the facts of the case narrated by the Applicant wife in her Miscellaneous Civil Application, it is in the interest of justice that such Court should be the Court of Civil Judge, Senior Division, Malshiras rather than Court of Sangli. Accordingly, the Miscellaneous Civil Application is allowed in terms of prayer clause (a). The Court of Civil Judge, Senior Division,

Malshiras shall hear both proceedings, namely, HMP No.8 of 2016 by the Applicant wife and transferred H.M.P. No. 554 of 2015 together.

**( S.C. GUPTE, J. )**