

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 187 OF 2017

Mrs. Rajshree Yogesh Navase ... Applicant

Versus

Shri. Yogesh Digambar Navase ... Respondent

Mr.B.A. Lawate for the Applicant.

Mr. Sachin Joshi for the Respondent.

CORAM : S.J. KATHAWALLA, J.

DATED : 8th SEPTEMBER, 2017

P.C.:

1. By the above Miscellaneous Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of Hindu Marriage Petition No. 82 of 2016 filed by the Respondent-husband seeking restitution of conjugal rights pending before the 5th Civil Judge, Senior Division at Nashik to the Court of Civil Judge, Senior Division at Panvel.

2. The Applicant is residing at Panvel. The Respondent too is residing at Badlapur. However, the Respondent has filed the Hindu Marriage Petition No.82 of 2016 at Nashik, which will not only require the Applicant to travel from Panvel to Nashik, but will also require the Respondent to travel from Badlapur to Nashik. Since the Applicant is required to look after her minor child who is three years old, the Respondent cannot inconvenience her by filing the matrimonial proceedings at Nashik

when he himself is residing at Badlapur. In view thereof, I pass the following Order.

(a) The Hindu Marriage Petition No.82 of 2016 filed by the Respondent-husband is directed to be transferred from the Court of 5th Civil Judge, Senior Division, Nashik to the Court of Civil Judge, Senior Division at Panvel.

(b) The Registrar, Civil Judge, Senior Division at Nashik shall ensure that the papers and proceedings of Hindu Marriage Petition No.82 of 2016 reaches the Court of Civil Judge, Senior Division at Panvel on or before 22.09.2017.

(c) The Learned Civil Judge, Senior Division at Panvel shall endeavour to dispose of Hindu Marriage Petition No.82 of 2016 within a period of six months from the date of this order.

(d) The parties and/or their Advocates shall appear before the Court of Civil Judge, Senior Division at Panvel on 27th September, 2017 at 11.00 a.m. and obtain appropriate orders.

(e) The Civil Judge, Senior Division at Panvel shall not grant any adjournment to the parties unless absolutely necessary. The parties too shall not seek any adjournment unless absolutely necessary.

(f) All contentions of the parties are kept open.

3. Miscellaneous Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)