

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

MISCELLANEOUS CIVIL APPLICATION NO.233 OF 2014

Mrs. Prachi Yogesh Patil	...	Applicant
Versus		
Shri Yogesh Balaram Patil	...	Respondent
.....		
Mr. Santosh Deshpande for the Applicant.		
None for the Respondent.		

.....

CORAM : S.C. GUPTE, J.

DATE : 27 JANUARY 2017

P.C. :

. Heard learned Counsel for the Applicant. The Respondent is absent despite service. The Applicant's affidavit of service has been taken on record by this Court on an earlier occasion.

2 This misc. civil application seeks transfer of a divorce petition pending before the District Court at Kalyan to the Family Court at Thane. The Applicant has filed a petition for restitution of conjugal rights in the Family Court at Thane bearing Petition No.365 of 2013. This petition was filed on 7 November 2013. It appears that after the filing of this petition, the Respondent has filed the subject divorce petition, being Petition No.13 of 2014, in the District Court at Kalyan. The Applicant resides at Thane, whilst the Respondent is a resident of Dombivli. The Applicant pleads difficulties in attending the proceedings at Kalyan and submits that the Respondent, who is anyway defending Petition No.365 of 2013 before the

Family Court at Thane, should have no difficulties in attending the Family Court at Thane instead of the Court at Kalyan.

3 On these facts, which are not disputed by the Respondent by filing any reply, it is in the interest of justice that these petitions, namely, the petition for restitution of conjugal rights filed by the Applicant and the petition for divorce filed by the Respondent, be heard together by the Family Court at Thane.

4 In the premises, the misc. civil application is allowed in terms of prayer clause (a). The Family Court at Thane is directed to hear the transferred petition alongwith Petition No.365 of 2013 pending before it.

5 The misc. civil application is disposed of accordingly.

(S.C. GUPTE, J.)