

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

MISC.CIVIL APPLICATION NO. 18 OF 2016

Mrs.Minal Rajesh Mehta	...Applicant
vs.	
Mr.Rajesh Ramesh Mehta	...Respondent

Mr.H.P. Vyas for Applicant.
None for Respondent.

CORAM : S.C. GUPTE, J.

18 JANUARY 2017

P.C. :

The MCA seeks transfer of a marriage petition filed by the Respondent for divorce which is pending on the file of the learned Civil Judge, Senior Division at Ratnagiri to the Family Court at Mumbai. The application has been duly served on the Respondent. The Respondent appears through an advocate. There is no reply filed by the Respondent to the MCA and he is absent.

2 The Applicant resides in Mumbai. She states in her application that she is unable to travel alone to attend to the pending proceedings at Ratnagiri. She submits that every time she has to be accompanied by her father who has undergone a by-pass surgery and frequent travels to Ratnagiri are taking a toll on his health. The Applicant herself has filed a petition, i.e. Petition No.A-742-2016, in the Family Court at Bandra for restitution of conjugal rights. The Respondent is defending those proceedings. On these facts, it is claimed, it is in the interests of justice that the proceedings of divorce petition be transferred from Ratnagiri to Mumbai. In any event, the Respondent, who lives in Dapoli, has to travel to Ratnagiri

for the hearings of the divorce petition. Travelling to Mumbai from Dapoli instead of to Ratnagiri will not cause much prejudice or inconvenience to the Respondent. Besides, in any event, the Respondent has to attend the Applicant's petition for restitution of conjugal rights and the two petitions, in any case, may have to be heard altogether in the interests of justice.

3 As I have noted above, the Respondent has not joined issues with these averments and submissions of the Applicant.

4 In the premises, the MCA is allowed in terms of prayer clauses (a) and (b). The divorce petition, upon its transfer to the family Court at Bandra, Mumbai, shall be tagged along with the Applicant's petition for restitution of conjugal rights, i.e. Petition No.A-742/2016.

5 The application is disposed of accordingly.

(S.C. Gupte, J.)