

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Misc. Civil Application [Tr.] No. 847 of 2016
[Sau. Naina Pritamsingh Chavan Vs. Pritamsingh Shivrangalsingh Chavan]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. A. V. Bhide, Adv., for the applicant.
Mr. Kashid, Adv., for the respondent sole.

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CORAM : A. S. CHANDURKAR, J.

DATE : 24th January, 2017

Heard finally with consent of counsel for the parties.

Present application has been filed under Section 24 of the Civil Procedure Code by which the applicant-wife seeks transfer of Hindu Marriage Petition No. 153 of 2016 filed by the non-applicant-husband before the Court of Civil Judge [Senior Division], Akola, to the Court of Civil Judge [Senior Division], Yavatmal.

Shri Bhide, learned counsel for the applicant, submitted that the marriage of the parties was solemnized at Yavatmal and applicant has been residing separately from the non-applicant at Yavatmal. She has

no other source of income and, therefore, it would not be feasible for her to travel to Akola to contest the proceedings. As the non-applicant is well placed, no prejudice would be caused if the proceedings are transferred.

Shri Kashid, learned counsel for the non-applicant, opposed the prayer made in the application. According to him, there was no case made out to transfer the proceedings from Akola to Yavatmal. He submitted that false allegations had been made by the applicant against the non-applicant and, therefore, the application is liable to be dismissed.

Perused the documents filed on record. The same indicate that marriage of the parties was solemnized on 3rd May, 2015 at Yavatmal. The applicant is presently residing at her parents' house in Yavatmal, where she has initiated proceedings for divorce. The non-applicant, who has source of income, can be directed to attend the proceedings at Yavatmal, as, even otherwise, he is required to contest the proceedings filed by the applicant. His convenience can be taken care of by directing both the proceedings to be fixed on the same day at Yavatmal.

In view of aforesaid, following order is passed:-

ORDER

[a] The proceedings in Hindu Marriage Petition No. 153 of 2016 pending before the learned Civil Judge [Senior Division], Akola, are directed to be transferred to the Court of Civil Judge [Senior Division], Yavatmal, where Hindu Marriage Petition No. 119 of 2016 is pending.

[b] Both the proceedings shall be tried together by fixing the cases on the same day.

By keeping respective contentions of the parties on merits open, the application is allowed in aforesaid terms. No costs.

Judge

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