

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION [MCA] NO.1233 OF 2017

(Sau. Nutan w/o Amit Dhankute
vs.
Amit s/o Ratnakar Dhankute)

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

Court's or Judge's Orders

CORAM : P.N. DESHMUKH, J.
DATE : 27th NOVEMBER, 2017.

Heard Shri H.N. Potbhare, learned Counsel for the applicant and Shri S.M. Patrikar, learned Counsel for the non-applicant.

This application is by the applicant-wife for transfer of H.M.P. No.72/2017 filed by the non-applicant-husband for decree of divorce pending on the file of the Civil Judge Senior Division, Chandrapur.

The learned Counsel for both the sides, during the course of submissions, had admitted that applicant had filed application under Section 125 of the Code of Criminal Procedure as well as application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and both these proceedings are pending before the competent Court at Wardha.

Having considering the above admitted position, during the course of hearing, it is proposed to the learned Counsel for the non-applicant that if the proceedings filed by the non-applicant for divorce pending as aforesaid, are transferred to Wardha, he

can conveniently attend his own proceedings and the proceedings initiated by applicant as aforesaid.

In view of proposal as aforesaid, learned Counsel for the non-applicant has no objection for the same. However, he submitted that in that event, necessary orders be passed to keep the proceedings on one and the same day, which would be for the convenience of the non-applicant so as to attend all the proceedings at Wardha on one date.

In that view of the matter, the following order is passed :

The application is allowed thereby transferring H.M.P. No.72/2017 pending on the file of the Civil Judge Senior Division, Chandrapur to the Court of Civil Judge Senior Division, Wardha.

Parties to appear before the Civil Judge Senior Division, Wardha on 11th December, 2017.

Needless to say that the learned Court, who is ceased with M.C.A. No.105/2014 filed by the applicant under Section 125 of the Code of Criminal Procedure and H.M.P. No.173/2014 under Section 9 of the Hindu Marriage Act pending before the Civil Judge Senior Division, Wardha shall preferably fix them on the same date on which H.M.P. No.72/2017 is fixed.

Civil application is disposed of with no order as to costs.

JUDGE

**sdw*