

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

MISCELLANEOUS CIVIL APPLICATION NO.1152 OF 2016

Smt. Preeti w/o Rameshwar Chungde,
Aged about 23 years, Occu. Household,
R/o Plot No.T-190, Vasant Vihar Colony,
Khadgaon road, Wadi, Nagpur

..Applicant

Versus

Rameshwar s/o Prakashsing Chungde
Aged about 27 years, Occu. Agri./Business,
R/o C/o Prakashsing Chungde, Opp. To
Grampanchayat Office, Hivri, Near
Sohanseeth's House, Mukkam Post Hivri,
Taluka and District Yavatmal

..Respondent

Mr Avdesh Kesari, Advocate for applicant
Mr A.J. Tote, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 24th April 2017

PER COURT

1. Hindu Marriage Petition No.202 of 2016 pending on the file of 4th Civil Judge, Senior Division, Yavatmal initiated pursuant to the provisions of Section 9 of the Hindu Marriage Act for restitution of conjugal rights is sought to be transferred to the Court of 4th Joint Civil Judge, Senior Division at Nagpur on the ground that it is inconvenient for the applicant-wife to attend day-to-day proceedings at Yavatmal. An additional ground is raised that other three proceedings being initiated under Section 498-A of the Indian Penal Code and under Section 12 of the Protection of Women from Domestic Violence Act and under Section 13 (1) (i-a) of the Hindu Marriage Act are pending at Nagpur.

2. The claim is opposed by the respondent-husband on the ground that proceedings under Section 9 are initiated in the interest of parties and the non-applicant-husband is ready and willing to stay with the applicant.

3. Having considered the rival submissions, in my opinion, the hardship and convenient of the applicant-wife is required to be considered. As such, Miscellaneous Civil Application stands allowed in terms of prayer clause (a).

4. The parties hereto ensure that all the proceedings be posted on the same date to avoid inconvenience.

(N.W. SAMBRE, J.)

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