

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION ST. NO. 34678 OF 2017

Sou. Rupali Ramdas Aatar ...Applicant

Versus

Shri.Ramdas Ajitnath Aatar ...Respondent

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Ms.Vrushali Penkar i/b. Ms. Preeti Walimbe for the Applicant.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **MAY 03, 2018**

P.C.:

1. Pursuant to the order dated 18th April, 2018 passed by this Court, the matter has been fixed today in order to give one more opportunity to the respondent to appear before this Court. Though served earlier, none appears for the respondent.

2. The learned Counsel for the applicant-wife submits that this Application is moved by the applicant-wife under Section 24 of the Code of Civil Procedure for transfer of Marriage Petition No. 82 of 2017 filed by the respondent/ husband, which is pending before the

learned Joint Civil Judge, Senior Division, Shrigonda, District-Ahmednagar to the Court of Civil Judge, Senior Division, Barshi, District- Solapur. The applicant-wife is residing at Barshi, Solapur. She further submits that earlier the respondent- husband had filed Hindu Marriage Petition No. 105 of 2014 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights at Shrigonda, District-Ahmednagar. Earlier, the applicant-wife moved an application for transfer of Hindu Marriage Petition No. 105 of 2014, which was pending in the Court of Civil Judge, Senior Division, Shrigonda, Ahmednagar. This Court by order dated 25th August, 2015 transferred the said Petition from the Court of Civil Judge, Senior Division, Shrigonda, Ahmednagar to the Court of Civil Judge, Senior Division, Barshi, Solapur. Thereafter, the respondent-husband withdrew that Petition and filed Divorce Petition. She further submits that the couple is having two minor children. One is 9 years old and another is 6 years old and they are staying with the applicant-wife at Solapur. It is not possible for the applicant-wife to travel from Barshi to Shrigonda with or without children. Hence, she prays that the Marriage Petition No. 82 of 2017 filed in the Court of Civil Judge, Senior Division, Shrigonda, District- Ahmednagar be transferred to the Court of Civil Judge, Senior Division, Barshi, District- Solapur.

3. In view of the uncontroverted submissions, I pass the following order:

ORDER

- i) Miscellaneous Civil Application is allowed.
- ii) Marriage Petition No. 82 of 2017 filed by the respondent-husband for divorce before the Court of Civil Judge, Senior Division, Shrigonda, District- Ahmednagar is transferred to the Court of Civil Judge, Senior Division, Barshi, District- Solapur.
- iii) The Superintendent/ Nazir of the Shrigonda Court is hereby directed to send all the record and proceedings of Marriage Petition No. 82 of 2017 to the Court of Civil Judge, Senior Division, Barshi, District- Solapur on or before 22nd May, 2018.

(MRIDULA BHATKAR, J.)