

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

MISCELLANEOUS CIVIL APPLICATION NO.15 OF 2018

Shri Nilesh Manohar Chaudhary ... Applicant

Vs.

Sou.Swati Nilesh Chaudhary ... Respondent

Ms.Sairuchita Choudhary i/b J.Shekhar & Co. for the Applicant
Mr.K.N. Thakur for Respondent

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: APRIL 4, 2018**

P.C. :

1. The applicant / husband has moved this application u/s 24 of the Civil Procedure Code for transfer of Petition No.E/79/2017 u/s 125 of the Code of Criminal Procedure pending before the Family Court at Nagpur and also Petition No.A-189 of 2017 which is filed for Restitution of Conjugal Rights and pending before the Family Court at Nagpur to the Family Court at Pune.
2. Learned Counsel for the applicant submitted that the applicant / husband has filed a petition for divorce bearing No.A-943 of 2017 pending before the Family Court at Pune. She submits that the husband has attended the dates in both the proceedings

in the Family Court. She submitted that the two applications are given different dates and it causes great inconvenience to the husband as he has to travel twice to attend the matters. She further submitted that the respondent/wife is not attending the dates at Nagpur but attending the dates at Pune as she is given transport charges.

3. The learned Counsel for the respondent submits that the respondent/wife is attending the matters at Nagpur.

4. From the submissions of the learned Counsel for both the sides, it appears that the wife has earlier filed application u/s 24 of the Civil Procedure Code being MCA No.99 of 2016 for transfer of the divorce petition filed by the husband from the Court at Pune to the Court at Nagpur, however, the same was rejected by the Nagpur bench of the Bombay High Court and finally dismissed by the Supreme Court. In that proceeding, the order was passed directing the husband to pay transport charges and pursuant to that, the husband is paying the charges to the wife and a companion for travelling from Nagpur to Pune.

5. Under such circumstances, I do not find any good ground to transfer the petitions filed by the wife from the Court at Nagpur to the Court at Pune. Accordingly, this application is dismissed with the following order:

ORDER

- i) The Application is dismissed.
 - ii) The Principal Judge of the Family Court at Nagpur is directed to club the petition Nos.E-79 of 2017 and A-189 of 2017 and list the same before one and the same Family Court Judge, Nagpur.
 - iii) The Learned Judge of the Family Court to whom the two matters will be assigned, shall keep both the matters on one date so that the husband shall not be burdened to attend on two different dates for the two different matters.
6. The Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)