

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

MISCELLANEOUS CIVIL APPLICATION st. NO.3634 OF 2018

Nivedita Bhupendra Patil

... Applicant

Vs.

Bhupendra Shantaram Patil

... Respondent

Mr.R.A. More for the Applicant

Mr.Bhupendra S. Patil, for Respondent present in person

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: APRIL 12, 2018**

P.C. :

1. This application is filled under section 24 of the Civil Procedure Code by the applicant/wife for transfer of the Marriage Petition No.12 of 2018 filed by the respondent/husband for divorce under section 13(1)(ia) of the Hindu Marriage Act, which is pending before the learned Civil Judge Senior Division, Jalgaon, to be transferred to the Court of Civil Judge Senior Division, Pune, where the Marriage Petition No.1037 of 2007 for restitution of conjugal rights filed by the wife is pending.

2. The learned Counsel for the applicant/wife submits that today, both the wife and the husband are present before the Court.

He submits that the husband has come alongwith his grandfather and the respondent has no objection if the matter is transferred to the Court at Pune.

3. The identity of the respondent is verified by the Court Sheristedar and confirmed. The respondent is informed about the the nature of the proceedings and the order. The respondent submits that he is ready for transfer of the divorce petition from the Court at Jalgaon to the Court at Pune.

4. The wife has filed the petition for restitution of conjugal rights and the husband has filed the petition for divorce in two different courts. There is a possibility of conflicting judgments by two different Courts and it will lead to an anomalous situation. As the respondent is ready and consents to the transfer of the divorce petition to the Court at Pune, the following order is passed:

i) Marriage Petition No.12 of 2018 pending before the learned Civil Judge Senior Division, Jalgaon is hereby transferred to the Court of Civil Judge Senior Division at Pune, where the Marriage Petition No.1037 of 2007 for restitution of conjugal rights, is pending.

ii) Both the petitions are to be clubbed and heard together;

iii) The Nazir / Superintendent of the Civil Judge Senior Division, Jalgaon is directed to transfer the Petition No.12 of 2018, on or before 2.5.2018.

iv) The parties to appear before the Court of Civil Judge Senior Division at Pune on 8.6.2018 at 11am. The learned Civil Judge Senior Division at Pune to refer the matter to a Counsellor for mediation.

5. Miscellaneous Civil Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)