

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

MISC. CIVIL APPLICATION (ST.) NO. 7083 OF 2018

Sou. Sunanda Chandrakant Shelke	...	Applicant
V/s.		
Shri. Chandrakant Saonyabapu Shelke	...	Respondent

- Mr.Vaibhav R. Gaikwad for the Applicant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th JULY, 2018.

P.C. :

1] Heard learned counsel for the Applicant. The Respondent is absent though duly served with notice on the last date and today also.

2] This is an application filed under Section 24 of the Code of Civil Procedure seeking transfer of H.M.P. No.234 of 2017 filed by the Respondent in the Court of Civil Judge, Senior Division, Kopergaon, District Ahmednagar to the Court of Civil Judge, Senior Division, Nashik.

3] It is the case of the Applicant-wife that she had in the year 2015 itself filed H.M.P. No. 234 of 2015 for '*Restitution of Conjugal Rights*'. The said proceeding is pending in the Court of Civil Judge,

Senior Division, Nashik. However, after two years, the Respondent has filed H.M.P. No.234 of 2017 for '*dissolution of marriage*' in the Court of Civil Judge, Senior Division, Kopargaoon, District Ahmednagar. Hence, it is desirable that both the proceedings be conducted in one and same Court in order to avoid the conflicting decisions. Further, it is submitted that the Applicant has also filed the Application under Guardians and Wards Act bearing Guardian and Ward Case No.28 of 2016 in the District Court at Nashik. The Respondent is appearing in the said proceeding at Nashik, therefore he will not suffer any hardship as such.

4] In view thereof, this Misc. Civil Application is allowed and following order is passed.

- (a) *H.M.P. No.234 of 2017 filed by the Respondent in the Court of Civil Judge, Senior Division, Kopargaoon, District Ahmednagar is transferred to the Court of Civil Judge, Senior Division, Nashik. To be heard along with H.M.P. No.234 of 2015 pending in that Court, in order to avoid the conflicting decisions.*
- (b) *Record and proceedings be transferred immediately.*
- (c) *Registry to inform the concerned Courts accordingly.*

[DR.SHALINI PHANSALKAR-JOSHI, J.]