

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**MISCELLANEOUS CIVIL APPLICATION (ST.) NO. 9187 OF 2018
WITH
CIVIL APPLICATION (ST.) NO. 9189 OF 2018**

Digamber Dnyandeo Sonvane	... Applicant
Vs.	
Mrs. Sandhyarani Digamber Sonvane	... Respondent

Mr. Digamber D. Sonvane, applicant appears in person.
Mr. Suhas S.Deokar, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 27th April, 2018.

P.C.

This Application is filed by the applicant/husband under section 24 of the Code of Civil Procedure for transfer of Hindu Marriage Petition No. 156 of 2014 filed by the respondent/wife under section 9 of Hindu Marriage Act for restitution of conjugal rights, which is pending in the Court of Civil Judge Senior Division, Latur, to the Court of Civil Judge Senior Division, Panvel.

2. The applicant, who appears in person, has submitted that he has filed Marriage Petition No. 42 of 2011 for divorce in the Court of Civil Judge Senior Division, Panvel against the respondent/wife. He submitted that respondent/wife has filed Criminal Miscellaneous Application No. 200 of 2013 under sections 19 and 20 of Domestic

Violence Act before the 2nd Judicial Magistrate First Class at Panvel. The applicant submitted that respondent/wife is staying along with their 16 years old son at Kharghar, Navi Mumbai. The respondent/wife has filed the Petition for Restitution of conjugal rights at Latur because her parents are staying at Latur. He submitted that his son is taking education at Sanjeevani School at Kharghar and hence, this Application be allowed.

3. The learned counsel, who is appointed by this Court for the respondent/wife, after taking instructions from the respondent/wife, submitted that respondent/wife has no objection if at all the Hindu Marriage Petition No. 156 of 2014 for restitution of conjugal rights filed by her at Latur is transferred to Panvel Court. The respondent/wife agrees that she is staying along with her son at Kharghar.

4. In view of these submissions, the following order is passed:

- (i) Miscellaneous Civil Application is allowed;
- (ii) Hindu Marriage Petition No. 156 of 2014 filed by the respondent/wife for restitution of conjugal rights, which is pending in the Court of 5th Civil Judge Senior Division,

Latur is transferred to the Court of 2nd Civil Judge Senior Division at Panvel where Marriage Petition No. 42 of 2011 for divorce is pending;

- (iii) Considering the jurisdiction of the Civil Court under section 26 of the Domestic Violence Act, Criminal Miscellaneous Application No. 200 of 2013 pending before the 2nd Judicial Magistrate First Class at Panvel is hereby transferred to the Court of Civil Judge Senior Division at Panvel;
- (iv) All the three proceedings are to be clubbed and tried together.

(MRIDULA BHATKAR, J.)