

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

MISC. CIVIL APPLICATION NO. 69 OF 2018

Yogita Navnath Gavande	...	Applicant
V/s.		
Navnath Vitthal Gavande	...	Respondent

- Mr.Gaurang C. Jhaveri i/b. Mr.J.D. Khaimar for the Applicant.
- None for the Respondent.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 3rd JULY, 2018.

P.C. :

1] Heard learned counsel for the Applicant. The Respondent is absent though duly served with notice.

2] This is an application under Section 24 of the Code of Civil Procedure seeking transfer of Hindu Marriage Petition No.A-238 of 2017 from the Family Court at Nashik to the Court of Civil Judge, Senior Division at Kopergaon.

3] It is submitted that the Applicant is a wife and she is residing at Murshadpur, Kopergaon. The Respondent has filed a Hindu Marriage Petition No.A-238 of 2017 in the Family Court at Nashik. There is distance of more than 150 kms one way between Murshadapur and Nashik and hence, she is finding it very difficult to attend the Family Court at Nashik.

4] The Applicant has also filed Hindu Marriage Petition No.136 of 2017 in the Court of Civil Judge, Senior Division, Kopargaon for Restitution of the Marriage under Section 9 of the Hindu Marriage Act. In view thereof also, it is always desirable that both the Petitions for divorce filed by the Respondent and the Petition for Restitution of the Conjugal Rights filed by the Applicant should be tried together by one and the same Court in order to avoid the conflicting decisions.

5] Hence, this Misc. Civil Application is allowed. Hindu Marriage Petition No.A-238 of 2017 pending on the file of Family Court at Nashik is transferred to the Court of Civil Judge, Senior Division at Kopargaon, to be tried along with Marriage Petition No.136 of 2017 filed by the Applicant for Restitution of Conjugal Rights.

6] Registry to inform the concerned Courts accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]