

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.81 OF 2018

Priyanka Ajit Pathrutkar	 Applicant
V/s.	
Ajit Laxman Pathrutkar	 Respondent

Mr. Sarvadnya Kadtane, i/by Mr. Kuldeep U. Nikam, for the Applicant.

None for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 17TH JULY 2018.

P.C. :

1. Heard Mr. Kadtane, learned counsel for the Applicant.
2. This Miscellaneous Civil Application is filed under Section 24 of the Civil Procedure Code, 1908, seeking transfer of Hindu Marriage Petition No.A-209 of 2017, pending in the Family Court at Solapur to the Court of Civil Judge, Senior Division at Sangli.
3. Applicant is the wife of the Respondent. Respondent has filed this H.M.P. No.A-209 of 2017 for divorce; whereas, the Applicant has filed Petition for restitution of conjugal rights, bearing No.588 of 2017, before

the Court of Civil Judge, Senior Division, Sangli, under Section 9 of the Hindu Marriage Act, 1955.

4. It is the case of the Applicant that, she is residing at Village Yelavi, Taluka Tasgaon, District Sangli with her uncle and aunt. The distance between her place of residence and Solapur is of approximately 200 Kms. and she is finding it difficult to travel to Solapur for prosecuting the H.M.P. No.A-209 of 2017 filed by the Respondent.

5. In view thereof, as the Respondent has, though duly served with the notice through Court and also by private notice, not appeared and the averments made in the Miscellaneous Civil Application have remained unchallenged, the interest of justice requires that the H.M.P. No.A-209 of 2017 filed by the Respondent in the Family Court at Solapur be transferred to the Court of Civil Judge, Senior Division, Sangli, where the Petition filed by the Applicant for restitution of conjugal rights is pending, so that it will also avoid the conflicting decisions. It is always desirable that Petition for restitution and Petition for divorce filed by the counter-parties should be decided by one and the same Court.

6. Considering the convenience of the Applicant-wife, therefore, this Miscellaneous Civil Application is allowed. Hindu Marriage Petition No.A-209 of 2017, pending in the Family Court at Solapur is transferred

to the Court of Civil Judge, Senior Division, Sangli, where Petition No.588 of 2017 filed by the Applicant-wife, under Section 9 of the Hindu Marriage Act, 1955, is pending.

7. Miscellaneous Civil Application stands disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]