

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 16 OF 2018

Sonal Suhas Vispute

... Applicant

VS.

Suhas Jaywant Vispute

... Respondent

Mr. Saurabh S. Dongre i/b. Mr. Kamlesh Y. Mali, Advocate for the applicant.

None present for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **2nd April, 2018.**

P.C.:

This Application is moved by the applicant/wife under section 24 of the Code of Civil Procedure for transfer of Marriage Petition No. 193 of 2017 filed by the respondent for restitution of conjugal rights under section 9 of Hindu Marriage Act, 1955, which is pending in the Court of Civil Judge Senior Division, Parbhani to the Court of Civil Judge Senior Division, Malegaon, District Nashik.

2. The learned counsel for the applicant submitted that the applicant/wife has filed the Marriage Petition No. 410 of 2017 for restitution of conjugal rights in the Court of Civil Judge Senior Division, Malegaon. He submitted that the applicant/wife has filed the Petition first in time. He further submitted that the applicant is

looking after minor son of the couple, who is one and half year old and therefore, it is not possible for her to attend the Court dates at Parbhani. Hence, he prays that Marriage Petition No. 193 of 2017 filed by the respondent in the Court of Civil Judge Senior Division, Parbhani be transferred to the Court of Civil Judge Senior Division, Malegaon.

3. The submissions made by the learned counsel for the applicant are uncontroverted, as none present for the respondent, though served. Considering the health, care and convenience of the minor son, who is one and half year old, Marriage Petition No. 193 of 2017 filed by the respondent, which is pending in the Court of Civil Judge Senior Division, Parbhani is hereby transferred to the Court of Civil Judge Senior Division, Malegaon, District Nashik on or before 21st April, 2018. Parties to attend the matter before the assigned Civil Judge Senior Division, Malegaon on 23rd April, 2018 at 11 a.m.

4. Miscellaneous Civil Application is disposed of.

(MRIDULA BHATKAR, J.)