

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

MISC.CIVIL APPLICAITON NO.70/2019

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Advocate Mr.Harshad Rathod for applicant.
Advocate Mr.Harshad S. Virkar a/w Ms Shamika Paralikar for respondent.

**CORAM : K. K. TATED, J
DATE : JULY 12, 2019.**

P.C.:

Heard learned counsel for parties.

2. By this application u/s 24 of CPC, applicant/wife is seeking transfer of Marriage Petition no.1088/2017 filed by respondent/husband for divorce u/s 13(1)(ia) of Hindu Marriage Act, 1955 before Civil Judge, Senior Division, Kalyan to Vadgaon, Maval, District Pune.

3 Learned counsel for applicant submits

that applicant/wife filed petition u/s 9 of the Hindu Marriage Act, 1955 for restoration of conjugal rights on 25.1.2018 in the Court of Pune. Subsequently same was transferred to Civil Judge, senior Division, Wadgaon for hearing and final disposal on its own merits.

4. Learned counsel for the applicant submits that respondent already filed his Vakalatnama in that matter at Vadgaon.

5. Apart from that applicant also filed application under Protection of Women from Domestic Violence Act at Vadgaon Court which is pending for hearing. He submits that in the interest of justice, this Court be pleased to transfer Marriage Petition no.1088/2017 dated 17.8.2017, pending before Civil Judge, Senior Division, Kalyan to Court at Vadgaon, Maval, Dist-Pune for final hearing with petition u/s 9 of the said Act filed by applicant on 25.1.2018.

6. On the other hand, counsel for

Respondent submits that the petition filed by wife is subsequent development. Hence, same is required to be transferred from Civil Judge, Senior Division, Vadgaon to Civil Judge, senior Division, Kalyan. He further submits that applicant is doing her business. Therefore, there is no question of financial crisis for her. He submits that if matter is transferred from Kalyan to Vadgaon then it will be difficult for the respondent to attend each and every date. He submits that therefore, in the interest of justice, this Court be pleased to dismiss present application.

6. I heard both sides at length. It is to be noted that in many cases, the Apex Court held that convenience of wife is to be considered at the time of deciding application u/s 24 of CPC. Apart from that in the present matter, two proceedings filed by wife are already pending before the Court at Vadgaon.

7. Considering this fact, I am of the opinion that application filed by respondent/husband for divorce is required to be heard by the Court at Vadgaon alongwith the petition filed by wife u/s 9 of the Hindu Marriage Act.

8 Hence, the following order.

a)Marriage Petition No.1088/2017 filed by respondent/husband u/s 13(1)(ia) of Hindu Marriage Act before Civil Judge, Senior Divison, Kalyan is transferred to Civil Judge, Senior Division, at Vadgaon, Maval District-Pune for hearing and final disposal alongwith Marriage Petition No. 129/2018 filed by applicant u/s 9 of the said Act 1955 for restitution of conjugal rights.

(K.K.TATED, J.)