

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 205 OF 2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Ms. Indrayani Koparkar for the Applicant.

CORAM: K.K.TATED, J.
DATED : 27/09/2019

P.C.

1 Heard learned Counsel for the Applicant.

2 By this Application under section 24 of the Code of Civil Procedure, 1908, the Applicant husband is seeking transfer of Hindu Marriage Petition No. 10 of 2019 filed by the Respondent wife under Section 9 of Hindu Marriage Act for restitution of conjugal rights before Civil Judge, Senior Division, Ahmednagar to Civil Judge, Senior Division, Panvel, where the Applicant filed Hindu Marriage Petition No. 217 of 2017 for divorce under Section 13 of the said Act.

3 The learned counsel for the Applicant submits that now the Applicant decided that instead of transferring wife's petition from Ahmednagar to Panvel Court, it is better to transfer his application to the Ahmednagar. Hence, he has filed affidavit dated 26.08.2019. Paragraph 4 of the said affidavit reads thus:

“4. I say that, I have no objection to transfer my Divorce application (HMP) 217/2017 which is pending at Civil Judge, Senior Division, Panvel to Civil Judge, Senior Division, Ahmednagar where the Restitution Application (HMP 10/2019) of the Respondent is pending. I say that, I have filed the Divorce application filed in the year 2017 and yet not the Civil Judge, Senior Division, Panvel has drawn the issues. Hence, I request the Hon’ble Court to give direction to the Trial Court i.e. Civil Judge, Senior Division, Ahmednagar to expedite both the proceedings.”

4 Considering the submissions made by the learned counsel for the Applicant, and subsequent affidavit dated 26.08.2019 filed by the Applicant, the following order is passed:

a) Hindu Marriage Petition No. 217 of 2017 filed by the Applicant under Section 13 of the Hindu Marriage Act for dissolution of marriage by decree of divorce before the learned Civil Judge, Senior Division, Panvel is transferred to the learned Civil Judge, Senior Division, Ahmednagar for hearing and final disposal on its own merits along with Hindu Marriage Petition No. 10 of 2019 filed by the Respondent wife for restitution of conjugal rights.

b) Hearing of both the matters is expedited.

c) Misc. Civil Application stands disposed of accordingly.

d) No order as to costs.

(K.K.TATED, J.)