

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

MISC. CIVIL APPLICATION (ST) NO.10274 OF 2019

Sau. Archana Ravindra Dusane

...Applicant.

V/s.

Mr. Ravindra Sitaram Dusane

...Respondent.

Ms. Rekha Musale i/by Sheela L. Popalghat, for the Applicant.
Mr. Sameer S. Kadam, Advocate for the Respondent.

**CORAM : SHRI K.K.TATED, J.
DATED : AUGUST 30, 2019**

P.C.:

1. Heard learned counsel for the Applicant.
2. Though, the Respondent is served, no one appeared on behalf of the Respondent when the matter was called out.
3. By this application Under Section 24 of the Civil Procedure Code, the Applicant/wife is seeking transfer of the Hindu Marriage Petition A No. 271 of 2018 filed by the Respondent/husband Under Section 9 of Hindu Marriage Act, 1955 for restitution of conjugal rights before the Family Court at Dhule to the Family Court at Nasik.
4. The learned counsel for the Applicant submits that the a application filed by the wife for enhance maintenance charges is pending at Nasik Court. She submits that the Respondent is attending the Nasik Court. Therefore, in the interest of justice this Hon'ble Court be pleased to transfer the Marriage Petition filed by the

Respondent for restitution of conjugal rights from Dhule to Nasik. She further submits that, it is very difficult for the Applicant to travel from Nasik to Dhule to attend the Court on each and every date.

5. In the present proceeding, the application filed by the wife for enhance maintenance charges is pending at Nasik Court, in which the Respondent is attending. Considering these facts that both the matters to be heard together, I am satisfied that the Applicant has made out case for allowing this Application.

6. Hence, the following order is passed:-

a) Miscellaneous Civil Application is allowed in terms of prayer clause (a) which reads thus:-

“a) That this Hon'ble Court may be pleased to call for record and proceedings in respect of the Petition A no. 271 of 2018, filed u/s 9 of Hindu Marriage Act, 1955, pending before the Hon'ble Family Court Dhule and be pleased to transfer the said proceedings to the Hon'ble Family Court Nasik for its bearing and disposal within time frame.”

b) Miscellaneous Civil Application stands disposed of accordingly.

c) No order as to costs.

7. Later on, Mr. Sameer S. Kadam appeared on behalf of the Respondent.

(K.K.TATED, J.)