

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

MISC.CIVIL APPLICATION NO.259 OF 2018

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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Dr.Santosh Raje for the applicant
None for the respondent

**CORAM : K. K. TATED, J
DATE : JULY 5, 2019**

P.C.:

- . Leave to amend the prayer clause.
- 2 Heard.
- 3 The learned counsel for the Applicant submits that as per earlier order passed by this court on 24.06.2019, he informed the other side Advocate Mr.Vishal M. Deshmukh about the today's date. To that effect, he has filed an Affidavit of service. Inspite of that, no one appeared on behalf of Respondent when the matter was called out.
- 4 By this Misc. Civil Application, Applicant wife under section 24 of the Code of Civil Procedure, 1908 seeks transfer of Hindu

Marriage Petition No.136 of 2016 filed by Respondent husband under section 13 of the Hindu Marriage Act, 1955, before the Civil Judge, Senior Division, Nanded to learned Civil Judge, Senior Division, Kalyan Dist. Thane for hearing and final disposal on its own merits.

5 The learned counsel for the Applicant submits that the distance between Nanded and Kalyan is more than 650 kms. He submits that it is very difficult for the Applicant to travel along with minor child who is 6 years old from Kalyan to Nanded. He submits that even Applicant also filed Petition No.1099 of 2017 under section 9 of the Hindu Marriage Act, 1955 in the court of Civil Judge, Senior Division, Kalyan. Same is pending for hearing on its own merits. He submits that both the matters can be decided at Kalyan together.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as inspite of service no one appeared on behalf of Respondent and as petition filed by Applicant under section 9 of the Hindu Marriage Act, 1955 is already pending before the Civil Judge, Senior Division, Kalyan, I am satisfied that Applicant has made out a case for following order :

A. Misc. Civil Application is allowed in terms of prayer clause (a) which reads thus:

a) That, this Hon'ble Court may be pleased to pass an order of transferring the Hindu Marriage Petition NO.136 of 2016 pending before the Civil Judge, Senior Division, Nanded to the court of Civil Judge, Senior Division, Kalyan, Dist. Thane on such terms and conditions as this Hon'ble Court deems fit and proper."

B. Misc. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)