

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Misc. Civil Application No. 107/2019

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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Mr. S. P. Shinde for the Applicant

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 19, 2019

P.C.

1 Heard. None for the Respondent though duly served.

2 This Application is filed by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of HMP No.A-66/2018 filed by the Respondent husband u/s.9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Civil Judge, Senior Division, Buldhana to the Family Court, Nasik for hearing and final disposal.

3 This court, by order dated 03.06.2019 directed the Registry to issue notice to the Respondent for for hearing and final disposal at the stage of admission. The Respondent is duly

served. In spite of that none appeared for him. Hence, the matter is taken up for final disposal at the stage of admission.

4. The learned counsel for the Applicant submits that the distance between Buldhana and Nasik is more than 600 km. He submits that there is no direct train between these two stations. It is very difficult for the Applicant to travel from Nasik to Buldhana along with her minor child, aged one year. Hence, the present Misc. Civil Application.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Misc. Civil Application and as the Applicant has to travel along with a minor child, aged one year, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

6 Hence, following order is passed:

a. The HMP No.A-66/2018 filed by the Respondent husband u/s. 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Civil Judge,

Senior Division / Family Court, Buldhana is transferred to the Family Court at Nasik for hearing and final disposal.

b. The Misc. Civil Application stands disposed of accordingly.

c. No order as to costs.

(K.K.TATED, J.)