

JN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO. 538 OF 2019

(Sau. Dipali w/o Amit Hulke vs. Amit Vilas Hulke)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri V.K. Gulhane, Advocate for the applicant.

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CORAM : PUSHPA V. GANEDIWALA, J.
NOVEMBER 19, 2019.

Heard Shri V.K. Gulhane, learned counsel for the applicant. None present for the non-applicant, though served.

This is an application filed by the applicant – wife under Section 24 of the Code of Civil Procedure for transfer of H.M.P. No. 25 of 2019 from the Court of Civil Judge, Senior Division, Hinganghat to the Court of Principal Judge, Family Court, Nagpur, on the ground that the applicant – wife has already filed a Petition No. A-205/2019 under Section 10 of the Hindu Marriage Act for judicial separation before the Family Court, Nagpur. Furthermore, she is finding it difficult to travel to Hinganghat from Nagpur for attending the proceedings filed by the non-applicant - husband for restitution of conjugal rights.

As the Petition No. A-205/2019 under Section 10 of the Hindu Marriage Act has already been filed by the applicant – wife before the Family Court at Nagpur, the Petition under Section 9 of the Hindu Marriage Act, which is filed by the non-applicant – husband can be heard together with the wife's petition. Furthermore, the convenience of wife is to be given priority than the convenience of the husband in such matters.

In this view of the matter, I am inclined to allow the present application and same is allowed. H.M.P. No. 25 of 2019 filed by the non-applicant - husband and pending before the Civil Judge, Senior Division, Hinganghat is directed to be transferred to Principal Judge, Family Court, Nagpur and it be heard with the petition No. A-205/2019 filed by the applicant - wife at Nagpur under Section 10 of the Hindu Marriage Act for judicial separation.

Misc. Civil Application is disposed of accordingly. No order as to costs.

JUDGE

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