

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**MISC. CIVIL APPLICATION NO. 589 OF 2019**

Smt. Preeti W/o Amit Gajbhiye @ Preeti Pruthiviraj Patil

**Vrs.**

Amit S/o Rajdutt Gajbhiye

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Mr. C.B. Barve, Advocate for applicant.  
Mr. P.D. Ganvir, Advocate for non-applicant.

**CORAM : PUSHPA V. GANEDIWALA, J.**  
**DATED : NOVEMBER 18, 2019.**

Heard.

Learned Counsel for the applicant seeks  
oral leave to amend the prayer clause in the petition.

Leave granted. Amendment be carried  
out forthwith.

This is an application filed by the  
applicant/wife under Section 24 of the Code of Civil  
Procedure praying for transfer of H.M.P. No.  
100/2019 pending on the file of the Civil Judge,  
Senior Division, Bhandara, to the Court of the Civil  
Judge, Senior Division, Nagpur, which was filed by  
the non-applicant/husband.

It is stated that the marriage between the  
parties was solemnized on 06/03/2017 as per Hindu  
rites and customs at Nagpur.

It is submitted that the applicant – wife has already filed divorce petition under Section 13 of Hindu Marriage Act, 1955 before the Court at Nagpur and now as a counter blasts, the non-applicant – husband filed a petition for restitution of conjugal rights in the Court at Bhandara.

Learned Counsel on behalf of the non-applicant – husband could not point out any hardship which would be suffered by him, if the petition which is pending in the Court at Bhandara is transferred to the Court at Nagpur, as prayed.

Furthermore, it is well settled that the convenience of the wife is to be seen in such petitions.

A ground for transfer is made out, I am inclined to allow the petition.

Hence, H.M.P. No. 100/2019 pending on the file of the Civil Judge, Senior Division, Bhandara, is transferred to the Court of the Civil Judge, Senior Division, Nagpur.

The miscellaneous civil application is accordingly stands disposed of. No order as to costs.

**JUDGE**