

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

**MISC. CIVIL APPLICATION (MCA) NO. 1099 OF 2018**

(Sau. Pooja w/o Rajesh Kawalkar vs. Rajesh s/o Devidas Kawalkar)

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

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Court's or Judge's orders.

Mrs. Ritu Jog, Advocate for the applicant.  
Shri R.P/ V.R. Thote, Advocate for the non-applicant.

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**CORAM : PUSHPA V. GANEDIWALA, J.**  
**NOVEMBER 13, 2019.**

Heard.

This is an application under Section 24 of the Civil Procedure Code, 1908, filed by the applicant - wife against the non-applicant – husband, for transfer of A. Petition No. 969 of 2013, which is pending before the Court of Family Court – 3, Nagpur to Family Court, Akola, as the distance between Nagpur and Akola is about 250 kms. and the applicant – wife has already filed a petition for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955, bearing H.M.P. No. 44 of 2017, which is at the stage of evidence. The learned counsel for the applicant submitted that the non-applicant is residing at Dubai and he would not have any objection either to come to Nagpur or at Akola.

The learned counsel appearing on behalf of the non-applicant opposed the application for want of sufficient ground.

I have considered the submissions made on behalf of both the parties.

At the outset, the convenience of the wife is to be seen. As one petition under H.M.P. No. 44 of 2017 under Section 9 of the Hindu Marriage Act is pending on the file of Family Court at Akola, the petition for divorce filed by the non-applicant in Family Court, Nagpur can be heard simultaneously with Section 9 petition at Akola.

For this reason I am inclined to allow the present application and the same is allowed in terms of prayer clause (1) in the application and disposed of accordingly. However, there shall be no order as to costs.

**JUDGE**

\*GS.