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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.68 OF 2018**

Ms. Shradha Chandrashekhar Dhuri Applicant.
V/s
Mr. Ambrish Arun GaikwadRespondent
Mr. Vyas H. Purushottam for the Applicant.

CORAM: NITIN W. SAMBRE, J.

DATE: AUGUST 25, 2021

P.C.:-

- 1] Heard.
- 2] Perused affidavit of service. Service on the Respondent is complete.
- 3] None appears for the Respondent.
- 4] As such, this Court has taken up for disposal the application under Section 24 seeking transfer of proceedings initiated by non-applicant husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights.

5] Parties were married on 17/2/2012 and Applicant-wife alleges that she was forced to part company on 18/9/2015. I am informed that Applicant-wife has initiated proceedings under Section 13(1) of the Hindu Marriage Act for divorce on the ground of cruelty which are pending adjudication before the Family Court, Pune.

6] After aforesaid proceedings were initiated by Applicant-wife, proceedings for restitution of conjugal rights of which transfer is sought, came to be initiated by non-applicant/husband. Wife has pressed the ground of hardship considering distance and the fact that she is working lady at Pune. Sine the non-applicant has not put in his appearance thereby objecting the said contentions, it has to be inferred that ground of hardship is established against the non-applicant.

7] In that view of the matter, present Application stands allowed in terms of prayer clause (a) which reads as under:-

“(a) that the petition for restitution of conjugal rights bearing P.A. No.1639/2017 filed by the Respondent in the Hon’ble Family Court,

Bandra, Mumbai, may kindly be directed to be transferred to the Hon'ble Family Court, Pune.

8] The said proceedings for restitution of conjugal rights viz. P.A.1639 of 2017 be tagged and heard with divorce proceedings initiated by the Applicant which are pending on the file of Family Court, Pune.

(NITIN W. SAMBRE, J.)