

BDP-SPS

BHARAT
DASHARATH
PANDIT

Digitally signed
by BHARAT
DASHARATH
PANDIT
Date: 2021.07.29
13:20:22 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.47 OF 2019**

Sau Vaishali Siddharth Rajput Applicant.

V/s

Shri Siddharth Suratsing Rajput Respondent.

Mr. Mahendra N. Sandhyanshiv for the Applicant.

None for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: JULY 28, 2021

P.C:-

1] Petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights is pending at the behest of the applicant-wife before the learned Civil Judge Senior Division, Malegaon, whereas at the behest of non-applicant-husband, divorce proceedings i.e. Petition HMP No.92 of 2018 are pending before the learned Civil Judge, Senior Division, Chalisgaon.

2] Apart from hardship, issue of conflicting judgments on the same set of facts and evidence is also pressed.

- 3] Though served, none appears for non-applicant.
- 4] In the aforesaid backdrop, case for consideration under Section 24 of the Civil Procedure Code is made out. Application is allowed in terms of prayer clause 11(b) which reads as under:-

“11(b) That this Hon’ble Court be pleased to transfer the hearing of petition bearing HMP No. 92 of 2018 filed by the Respondent herein, pending on the file of the Ld. Civil Judge Senior Division at Chalisgaon to the file of Ld. Civil Judge Senior Division Malegaon, having similar jurisdiction to try and entertain the same.”

(NITIN W. SAMBRE, J.)