

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION [TR] NO.529 OF 2021

[Smt. Rupali w/o Harish Nimje .vs. Shri Harish s/o Chhaganlal Nimje]

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

Court's or Judge's orders

Mr S.W. Tijare, Advocate for the applicant,
Mr D.V. Mahajan, Advocate for the respondent.
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CORAM : M.S. SONAK, J.

DATED : DECEMBER 08, 2021.

Heard the learned counsel for the parties.

2. The learned counsel for the respondent-husband submits that totally frivolous allegations have been made in the application seeking transfer, to submit that the allegations are false. However, on instructions, he submits that if the allegations are not gone into, then the respondent will have no serious objection in transferring the proceeding from Bhandara Court to the Nagpur Court, as prayed for.

3. At this stage, there is no question of rejecting the allegations made in the transfer application. This court must record the prayer adopted by the respondent or rather by the learned counsel for the respondent and based thereon, this application is allowed. It is made clear that merely because this court has allowed this

application, it does not mean that the court has accepted all the allegations contained in the application.

4. This application is allowed in terms of prayer clause A which reads as follows :

“A. To withdraw the divorce petition filed by the respondent herein against the applicant, H.M.P. No.70/2021 Harish s/o Chhaganlal Nimje – versus – Rupali w/o Harish Nimje, pending in the court of civil judge senior division at Bhandara and transfer the same to the file of the competent court of civil judge senior division court situated at Nagpur or to the family court Nagpur for the trial under section 24 of the C.P.C. and according to the law in the interest of justice.”

5. The Registry to take steps to give effect to the aforesaid order.

6. This application is disposed of without any order for costs.

[M.S. SONAK, J.]