

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO.201 OF 2021

ANKITA VAIBHAV DAHAKE
VERSUS
VAIBHAV ASHOK DAHAKE

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Advocate for the Applicant : Ms.Nikita N. Gore
Advocate for the Respondent : Shri R.B. Singare

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**CORAM: SMT. BHARATI H. DANGRE, J.
DATE :- 15th February, 2022**

Per Court:

1. Heard the learned counsel for the applicant and the respondent.
2. The applicant/ wife is seeking transfer of the proceedings bearing HMP No.118/2021 filed by the respondent/ husband in the Court of the Civil Judge, Senior Division, Mehakar, District Buldhana, seeking dissolution of marriage, which was solemnized between the parties on 14.06.2020, to the Court of the Civil Judge, Senior Division, Ahmednagar.
3. The applicant/ wife has also instituted the proceedings bearing HMP No.20/2021 before the Civil Judge, Senior Division, Ahmednagar, by invoking Section 9 of the Hindu Marriage Act, for restitution of conjugal rights.
4. The ground projected for transferring the proceedings, as stated in the application, is to the effect that the applicant has to take care

of small child, who is eight months old and with this child, it would cause lot of inconvenience to her to undertake journey from Ahmednagar to Mehakar, which is approximately 250 kilometers away.

5. On consideration of the application and the difficulty expressed by the applicant, I deem it expedient to exercise the power under Section 24 of the Code of Civil Procedure, to transfer the proceedings as requested by the applicant/ wife, to the Court of the Civil Judge, Senior Division, Ahmednagar. Necessarily, this Misc. Civil Application is allowed in terms of prayer clause "A", which reads thus:-

"A) This Hon'ble Court may be pleased to allow this Miscellaneous Civil Application and transfer HMP No.118/2021 filed by the husband, from the Court of the learned Civil Judge, Senior Division, Mehkar, District Buldhana to the Court of the learned Civil Judge, Senior Division, Ahmednagar, as early as possible."

6. In the wake of the aforesaid order being passed, the learned Civil Judge, Senior Division, Mehakar, shall forthwith transmit the proceedings of HMP No.118/2021 to the Court of the Civil Judge, Senior Division, Ahmednagar.

On transfer of the said proceedings, the proceedings filed by the applicant/ wife shall be clubbed along with it so as to avoid conflicting orders and also to save the time consumed in the proceedings.