

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.24 OF 2021

Ms. Smita Pankaj Pagar

..Applicant

Versus

Mr. Pankaj Vijay Pagar

..Respondent

Mr. Hitesh P. Vyas, for the Applicant.

CORAM : NITIN W. SAMBRE, J.

DATE : 25th FEBRUARY, 2022

PC.

1. Out of the wedlock of applicant and non-applicant, the daughter namely, Shaurya born on 13th November, 2016 is in the custody of the applicant/wife. At the behest of the applicant divorce proceedings are pending on the file of Civil Judge Senior Division, Pune, whereas Section 9 application for restitution of conjugal rights moved by the non-applicant is pending on the file of Family Court, Nashik.

2. The transfer is sought on the ground of hardship and likely to be overlapping of findings on the same set of facts in different proceedings.

3. This Court after having heard for the applicant convinced that the applicant is likely to be suffered hardship, if she

is made to travel to Nashik from Pune. Apart from above, it cannot be ruled out that Court at Pune and Nashik may record overlapping findings on the same set of facts and evidence in two different proceedings.

4. That being so, application is allowed in terms of prayer clause (a).

5. Both these matters be tagged and heard together in terms of prayer clause (b).

[NITIN W. SAMBRE, J.]