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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.59 OF 2022**

Likhita Ranjit Bahekar Applicant.

V/s

Ranjit Vijay Bahekar Respondent.

Ms. Rachana Harpale for the Applicant.

None for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: APRIL 11, 2022

P.C.:-

1] Though served, none appears for the Respondent.

2] Applicant appears to be a custodian of minor son aged six years. Non-applicant initiated proceedings for divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 being Petition No.1741 of 2021 which are pending on the file of Family Court, Pune of which transfer is sought to the Court of Civil Judge, Senior Division, Malegaon, as it is claimed that Applicant-wife started residing at Malegaon with her parents. It is further informed that Applicant is not getting any maintenance. Applicant/wife has filed Hindu Marriage Petition No.705 of 2021 for restitution of conjugal rights which is pending before the Civil Judge, Senior Division, Malegaon. It is submitted that Petition No.1741 of 2021 may be directed to be heard with restitution of conjugal rights proceedings.

3] Since the contentions of hardship raised hereinabove are not controverted as none appears for the non-applicant, case for consideration for transfer is made out based on the ground of hardship. It will be appropriate if both the above proceedings are heard together. That being so, Application is allowed in terms of prayer clause (a) which reads as under:-

“(a) The Hon’ble Court be pleased to transfer the Petition No.1741 of 2021 for divorce under sec. 13(1)(i-a) of Hindu Marriage Act, 1955 filed before Hon’ble Family Court at Pune to the Court of Hon’ble Civil Judge Senior Division, Malegaon and further the aforesaid Petition be heard alongwith the Hindu Marriage Petition No.705 of 2021 filed by the Applicant for restitution of conjugal rights under sec. 9 of Hindu Marriage Act, 1955 pending before the Hon’ble Civil Judge Senior Division Malegaon.”

(NITIN W. SAMBRE, J.)