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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 75 OF 2022

VANDANA NILESH GHONE

....APPLICANT

V/s.

NILESH PANDURANG GHONE

....RESPONDENT

Mr. Pravin H. Padave, Advocate for the Applicant.

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 26, 2022.

P.C.:

- 1) Though served, none appears for the non-applicant husband.
- 2) Marriage between the parties took place in the year 2003. It is claimed that at the behest of the non-applicant, the proceedings are initiated under the Marriage Petition No. 1764 of 2019 under section 13(1A) of the Hindu Marriage Act for dissolution of marriage, which is pending on the file of Court of Wadgaon Maval, Pune District. It is also brought to my notice that the applicant-wife has initiated proceedings under the Domestic Violence Act which are

pending on the file of Judicial Magistrate First Class at Kalyan.

3) Transfer is sought on the ground that there might be recording of contrary findings on the same set of facts and on the ground of hardship, if Applicant/Petitioner is made to travel to attend the proceedings initiated by the non-applicant husband.

4) There appears to be substance in the submission made.

5) Apart from the above, the contentions are not controverted as ground of hardship is established.

6) That being so, Application is allowed in terms of prayer clauses (a) & (c) which read thus :

“(a) This Hon’ble Court may pass appropriate orders/ writs/directions to transfer of proceedings of Marriage Petition No. 1764 of 2019 filed by

Petitioner's Husband i.e. Respondent No. 1 which is pending on the file of 8th Joint Civil Judge Senior Division, Maval Dist. Pune to the jurisdiction of Kalyan Court Dist. Thane;

(c) This Hon'ble Court may pass appropriate orders / writs / directions to joint together the proceedings of Marriage Petition No. 1764 of 2019 filed by Petitioner's Husband i.e. Respondent No. 1 which is pending on the file of 8th Joint Civil Judge Senior Division, Maval Dist. Pune, and PWDVA APPLICATION NO. 06/ 2021 pending on the file of 3rd Joint Civil Judge, Junior Division and JMFC Kalyan filed by Petitioner at Kalyan Court."

[NITIN W. SAMBRE, J.]

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