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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 92 OF 2022

MRS. ANITA ANIL SONAWANE

....APPLICANT

V/s.

MR. ANIL GOVIND SONAWANE

....RESPONDENT

Mr. Ranjit M. Pawar Advocate for the Applicant
None for Respondent

CORAM : NITIN W. SAMBRE, J.

DATE: APRIL 29, 2022.

P.C.:

- 1) Though served, none appears for Respondent.
- 2) By this Application, Applicant is seeking transfer of Restitution of Conjugal Rights proceedings preferred under Section 9 of the Hindu Marriage Act pending on the file of Civil Judge Senior Division, Baramati to the Court of Civil Judge Senior Division, Nashik.
- 3) It is informed that proceedings under Protection of Women from Domestic Violence Act are already pending pending at Nashik

in which Respondent has already filed his appearance. Considering the distance between Nashik and Baramati, ground of hardship is pressed so also the issue of likelihood of recording overlapping findings on the same set of facts and evidence.

4) Since the aforesaid contentions are not controverted, the issue of hardship has to be considered in favour of the Applicant, so also the issue of recording of overlapping evidence on the same set of facts and evidence.

5) In that view, Application is allowed in terms of prayer clause (A) which reads thus:

(A) This Hon'ble Court may be pleased to transfer the petition filed by the respondent, bearing M.P. No. 484 of 2019 under Section 9 of Hindu Marriage Act before the Ld. Civil Judge Senior Division at Baramati Dist. Pune to Ld. Civil Judge Senior Division at Malegaon Dist. Nashik on such terms and conditions as this Hon'ble Court deem fit and proper in the interest of justice.

[NITIN W. SAMBRE, J.]