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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.240 OF 2021**

Mrs. Vaishali Swapnil Kumbhare Applicant.

V/s

Mr. Swapnil Arun Kumbhare Respondent.

Mr. S.T. Pandey a/w Arvind Singh, Nagesh Avhad, Angela Singha,
Rakesh Mishra, Bharti Bhosale i/b SBG Law for the Applicant.

Mr. Satyajeet P. Dighe for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: APRIL 25, 2022

P.C.:-

1] Heard.

2] Transfer of proceedings is sought on the ground of hardship and to avoid recording of overlapping findings in different proceedings on similar set of facts and evidence.

3] Non-applicant initiated proceedings for divorce being HMA No.A-254/2021 pending on the file of Principal Judge, Family Court, Nashik of which transfer is sought to the Principal Judge, Family Court, Dhule as it is claimed that at the behest of Applicant-wife, Restitution of Conjugal Rights Proceedings under the provisions of Section 9 of the Hindu Marriage Act are pending consideration at Family Court, Dhule.

4] Facts remains that both the above proceedings are based on the allegations of cruelty. So as to avoid recording of overlapping findings on the similar set of facts and evidence and considering distance between Nashik and Dhule, it will be appropriate, in my opinion, to allow the Application in terms of prayer clauses (a), though resisted by Counsel for the non-applicant.

5] Accordingly, Application is allowed in terms of prayer clause-A. HMA No.A-254/2021 pending on the file of Principal Judge, Family Court, Nashik is directed to be transferred to the file of Principal Judge, Family Court, Dhule.

6] Application is accordingly disposed of.

(NITIN W. SAMBRE, J.)