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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 201 OF 2021**

NUTAN MAHENDRA NIKAM

....Applicant.

V/s

MAHENDRA NARAYAN NIKAM

....Respondent.

Mr. Vivek Joshi i/b Mr. Jayendra D. Khairnar for the Applicant.
None for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 07, 2022

P.C.:-

- 1] Though served, none appears for non-applicant.
- 2] Non-applicant is facing prosecution under Sections 498A, 323, 504, 506 read with section 34 of the Indian Penal Code in Crime No.0195 of 2019.
- 3] Non-applicant/husband initiated proceedings for restitution of conjugal rights under Section 9 of the Hindu Marriage Act of which transfer is sought on the ground of hardship. Applicant is informed to be custodian of minor child (son). Considering the distance between two places, where proceedings are sought to be transferred and initiated and the fact that Applicant is custodian of minor son and to avoid overlapping of findings on similar set of facts, it would be appropriate to grant relief in terms of prayer clause (a) of the

Application. Fact remains that though served none appears for non-applicant. As such, aforesaid contentions are not controverted.

4] As such, Application stands allowed in terms of prayer clause (a). Prayer clause (a) reads as under:-

“(a) That this Hon’ble Court be pleased to direct the Learned Civil Judge Senior Division, Chalisgaon, Dist. Jalgaon to transfer the Hindu Marriage Petition No.223 of 2021 to Learned Civil Judge Senior Division Malegaon Dist. Nashik, to try, entertain and dispose off.”

(NITIN W. SAMBRE, J.)