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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 20 OF 2020

NEELIMA ROSHAN KAMBLE

.... APPLICANT.

V/s.

ROSHAN MOGAL KAMBLE

.....RESPONDENT.

Mr. Prasanna K. Shahane, Advocate for the Applicant.

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 02, 2022.

P.C.:

1. Though served, none appeared for the non-applicant.
2. At the behest of the applicant-wife, the proceedings for divorce are pending on the file of Civil Judge, Senior Division, Kalyan at Kalyan; whereas the respondent-husband has initiated proceedings under section 9 of Hindu Marriage Act for restitution of conjugal rights on the file of the Family Court, Nashik at Nashik of which transfer is sought to the Court at Kalyan on the ground of hardship.
3. Ground of hardship is pressed by substantiating the same on

the basis of the applicant being custodian of minor son aged about 9 years and also distance between two places.

4. Since the ground of hardship is not controverted, the same stands established.

5. In the aforesaid background and having regard to the fact that so as to avoid overlapping of contradictory findings on the same set of facts and evidence, the case for grant of transfer is made out.

6. Application stands allowed in terms of prayer clause (a), which reads thus :

(a) This Hon'ble Court may be pleased to transfer the proceedings of Marriage Petition No. A-784 filed by Respondent and pending on file of Ld. Family Court, Nashik to the file of Ld. Civil Judge, Senior Division, Kalyan, in the interest of justice.

[NITIN W. SAMBRE, J.]