

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO.369 OF 2023

Aishwarya Rushikesh Ghadvir Applicant

V/s.

Rushikesh Dipak Ghadvir Respondent

NILAM
SANTOSH
KAMBLE

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Mr.Mahalakshmi Dakshinamurthy i/b Mr.Sachinkumar
Rajepandhare, for the Applicant.

CORAM : ARUN R. PEDNEKER, J.

DATE : 23rd JULY 2024

P.C:-

1. Though served none has entered appearance for the Respondent.

2. By the present Application the Applicant-Wife is seeking transfer of the Application filed by the Respondent-Husband under Section 9 of the Hindu Marriage Act filed for the Restitution of the Conjugal Rights before the C.J.S.D., Ichalkaranji to Family Court, Osmanabad/Dharashive.

3. The learned counsel for the Applicant submit that the marriage was solemnized between the Applicant and Respondent

on 22nd May 2022 and she was driven out of the house on 7th March 2023. There are no issue out of the said wedlock. At present Applicant is residing with parents at Osmanabad/Dharashive.

4. The learned counsel further submits that the Respondent-Husband is working as an Engineer in Wipro Company. She further submits that the D.V. Proceedings so also the proceedings under Section 125 of the Cr.P.C. are also initiated by the Applicant-Wife at Osmanabad. She submits that, she has also filed Divorce Proceedings at Osmanabad. She further submit that, the Respondent-Husband has filed Application for Restitution of Conjugal Rights after filing of the Divorce proceedings and seeks transfer of the Restitution Application by the Respondent-Husband to the Court of Osmanabad.

5. For the reasons stated in the Application more particularly that there are divorce and D.V. proceedings are pending at Osmanabad/Dharashive the Application is allowed in terms of prayer Clause (a). However, it is further directed that on such transfer of proceedings the Applicant-Wife would not seek

unnecessary adjournment in the proceedings initiated by the Respondent-Husband to avoid inconvenience to the Respondent-Husband. In any event, if she seeks adjournment she should inform the husband well in advance. It is further directed that as far as possible common dates be taken in all the proceedings, so also the Court at Osmanabad/Dharashive to permit the Respondent-Husband whenever possible to appear through Video Conferencing.

6. With the above direction the Application is allowed and disposed of.

(ARUN R. PEDNEKER, J.)