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

MISC. CIVIL APPLICATION NO. 75 OF 2024

Kinjal Nitin Chaudhary @ Patel	.. Applicant
Versus	
Nitin Dinesh Chaudhary (Patel)	.. Respondent

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- Mr. Sarvajit Patil, Advocate for Applicant.
 - Mr. Chetan Agrawal, Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 04, 2024.

P.C.:

1. Heard Mr. Patil, learned Advocate for Applicant and Mr. Agrawal, learned Advocate for Respondent.

2. Present Misc. Civil Application (for short “MCA”) is filed by the Applicant – wife seeking transfer of Marriage Petition No.A-324 of 2023 filed by Respondent under Section 9 of the Hindu Marriage Act, 1955 in the Family Court at Aurangabad to the Family Court at Belapur, Dist. Thane. Applicant resides in Belapur with her parents alongwith her two children who are 13 year daughter and 6 year son.

3. Apart from the proximity of distance between the two destinations and Applicant needs and requires to support and provide care to her two children. The difficulty envisaged by the Applicant – wife to attend the proceedings in Aurangabad is clearly evident from

the grounds enumerated in paragraph No.6 of the MCA. I have perused the same.

4. PER CONTRA, Mr. Agrawal, learned Advocate for Respondent would submit that he has instructions to oppose the MCA, but in his usual fairness he would not argue any unnecessary and irrelevant submissions, which fact is appreciated by the Court. Though Respondent opposed the MCA and he would submit that Respondent is ready and willing to pay the charges and expenses incurred by the Applicant, but he would ultimately leave to the Court to pass appropriate orders.

5. After considering the submissions of both the learned Advocates and the averments made in the MCA and more specifically in the facts of the present case, Applicant – wife has made out a case for transfer of the proceedings from the Family Court, Aurangabad to the Family Court at Belapur.

6. Under the provisions of Section 24 of the Code of Civil Procedure, 1908, MCA therefore stands allowed in terms of prayer clause ‘a’ which reads thus:-

“a. This Hon’ble Court may be pleased to transfer the Petition A No.324 of 2023 filed by the Respondent under Section 9 of the Hindu Marriage Act, 1955 for Restitution of Conjugal Rights before the Hon’ble Family Court, Aurangabad to the Hon’ble Family Court, Belapur, Dist. Thane, wherein the Applicant has filed the Petition A No. 662 of 2023 under Section 13 (1) (I) (ia) of the Hindu Marriage Act, 1955 for dissolution of Marriage.”

7. With the above observations, MCA stands allowed and disposed.

[MILIND N. JADHAV, J.]

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