



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
: NAGPUR BENCH : NAGPUR.

MISC. CIVIL APPLICATION NO. 81 OF 2024

SAU. SNEHAL W/o MADAN BONDE

VERSUS

MADAN S/o PANJABRAO BONDE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. D. S. Khushlani, Advocate for the applicant.
Mr. H. V. Dhage, Advocate for the non-applicant.

CORAM : G. A. SANAP, J.

DATE : AUGUST 02, 2024.

1. This is an application filed by the applicant/wife for transfer of Hindu Marriage Petition No. 70/2022, filed by the non-applicant/husband, pending before the Court of Civil Judge, Senior Division Akot, to the Court of Civil Judge, Senior Division, Achalpur.

2. A petition bearing Hindu Marriage Petition No. 189/2022, filed by the applicant/wife for dissolution of marriage, is pending before the Court of Civil Judge, Senior Division, Achalpur. The petition in question filed by the non-applicant/husband for restitution of conjugal rights is pending before the Court of Civil Judge, Senior Division, Akot. It is stated that since the facts in both the petitions are more or less similar, in order to ensure proper adjudication as well as to avoid inconvenience to the applicant/wife, it is necessary to transfer the petition

pending before the Court of CJSD, Akot to the Court of CJSD, Achalpur.

3. I have heard Mr. D. S. Khushlani, learned advocate for the applicant and Mr. H.V. Dhage, learned advocate for the non-applicant. Perused the record and proceedings.

4. It is stated that the distance between Achalpur and Akot is 55 Kms. In such matters, the convenience of the wife cannot be glossed over. The parties in view of pendency of the proceedings in two courts, would be required to attend both the proceedings.

5. In view of the above, it would be in the interest of both the parties to have the matters in one Court. It is further pertinent to mention that in view of the grievances made by the parties against each other in the matrimonial proceedings, in order to avoid conflicting views or findings, it is advisable to transfer such proceedings to one Court. In the facts and circumstances, the application made by the wife for transfer, as prayed for, deserves to be allowed.

6. Accordingly, the Misc. Civil Application is allowed.

- i) The proceedings of Hindu Marriage Petition No. 70/2022 filed by the non-applicant/husband, pending before the Court of Civil Judge, Senior

Division Akot, may be transferred to the Court of Civil Judge, Senior Division, Achalpur.

- ii) The Principal District and Sessions Judge, Akola shall withdraw the proceedings of HMP No. 70/2022 (*Madan Panjabrao Bonde .vs. Sau. Snehal Madan Bonde*) from the file of Civil Judge, Senior Division, Akot and transfer it to the file of Principal District and Sessions Judge, Amravati.
 - iii) The Principal District and Sessions Judge, Amravati shall, in turn, assign the proceedings of HMP No. 70/2022 to the Court of Civil Judge, Senior Division, Achalpur, for its disposal in accordance with law.
7. The application stands disposed of in the aforesaid terms. No order as to the costs.

(G. A. SANAP, J.)

Diwale