

Chandka

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 31 OF 2006

Mrs. Bhavana Narendra Atkare ..Petitioner

versus

Narendra Madhukar Atkare ..Respondent

Mr. R. Bobade for the Petitioner.

Mr. S. N. Bhosale for the Respondent.

CORAM : S. A. BOBDE, J.
DATE : 31ST OCTOBER, 2007.

P.C.

. This application is by the petitioner - wife who is resident of Thane, she seeks to have the proceedings for restitution of conjugal rights filed by the respondent - husband at Nagpur for being transferred to the Court at Thane. The petitioner admittedly resides at Thane and has stated that she has no source of income, though that is disputed on behalf of the respondent. She has applied for maintenance in the Court at Thane.

2. According to the learned counsel for the petitioner, the respondent has filed proceedings for

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restitution of conjugal rights after the petitioner sued him for maintenance. It is not disputed that the respondent has in fact sued for restitution after the petitioner's application for maintenance. It appears that in any case the respondent has to visit Thane in order to defend the maintenance application filed by the petitioner - wife at Thane.

3. Mr. Bhosale, learned counsel appointed by the Legal Service Authorities states that inspite of communication, the respondent has not contacted him and that he has no instructions regarding mediation.

4. Having regard to the circumstances of the case, it seems appropriate to transfer the proceedings filed by the respondent at Nagpur for being heard and tried in the Court at Thane. Application is allowed in terms of prayer clause (b), which reads as follows:

"This Hon'ble Court be pleased to transfer the Petition No. A78 of 2006 filed by the Respondent from the file of Family Court at Nagpur to the file of Family Court at Thane and/or to the file of Civil Judge, Senior Division, Thane."

(S.A. BOBDE, J.)