

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

19. MCA/77/2015

RUKHSAR KHAN EJAZ KHAN
V/S
EJAZ KHAN SHABBIR KHAN

Mr. A.T. Jadhavar, Advocate for applicant.

Mr. D.S. Jadhav, Advocate for respondent.

CORAM : T.V. NALAWADE, J.

DATED : 19th August, 2015.

ORDER :

1. The application is filed for transfer of proceeding bearing A-548/2014 which is presently pending in the Family Court, Aurangabad. The transfer is sought to the Court of Civil Judge, Senior Division, Beed, where the applicant wife is living. Both the sides are heard.

2. The submissions made show that a private complaint is filed by wife in the Court of Chief Judicial Magistrate, Beed for offences punishable under sections 498-A etc. of Indian Penal Code and order of issue process is made against the husband. Another proceeding is filed under the provisions of Protection of Women from Domestic Violence Act, 2005 in the Court of Judicial Magistrate, First Class, Beed and husband is appearing in that proceeding also. Thus, two proceedings are pending in Beed. The

husband is required to appear in those proceedings and he is required to go there from Aurangabad.

3. The aforesaid two proceedings were filed first. The proceeding for restitution of conjugal rights came to be filed on 30.12.2014 by the husband. The wife is household lady and she is required to take care of two issues, aged about 2 years and 3 years. If she is compelled to come to Aurangabad, she will be required to come with some male member and so, she will be required to spend more. On the other hand, as the husband is required to go to Beed in aforesaid two cases, if the case filed by him is transferred to the Court from Beed, all the three matters can be kept on the same date in Beed and that will be convenient to both the sides.

4. In the result, the application is allowed. The proceeding bearing No. A-548/2014 presently pending in the Family Court at Aurangabad is withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division from Beed. As far as possible the Courts from Beed are to see that the same date is given in all the three proceedings so that no inconvenience is cause to both the sides and the date given in the proceeding filed under the provisions of Domestic Violence

Act can be given in other two matters. The new Court is to try and see that the proceeding filed by husband is expeditiously disposed of and in any case within six months from the date of receipt of this order.

[T.V. NALAWADE, J.]

ssc/