

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 MISC.CIVIL APPLICATION NO. 24 OF 2013

DHANASHREE PRATIK DESHMUKH (MAHALE)
VERSUS
PRATIK SHARAD DESHMUKH (MAHALE)

Shri. D.M. Maney, Advocate, for applicant.

CORAM: T.V. NALAWADE, J.

DATE : 22 JULY 2016

ORDER:

1) The application is filed for transfer of proceeding No.A-131/2012 which is presently pending in Family Court Aurangabad to the Court of Civil Judge Senior Division Shahada. The other side was served and one advocate Shri. Kadam is representing him. But today nobody has turned up for the husband. Heard learned counsel for the applicant-wife.

2) The submissions made by the learned counsel for the wife show that previous proceeding bearing HMP No.51/2012 which was pending in the Shahada Court is disposed of. In view of this circumstance and the

submissions made that another proceeding bearing HMP No.14/2014 is pending in Court from Shahada amendment is to be made in the prayer clause and in the memo of the application by the applicant today itself.

3) It appears that the wife has filed proceeding for divorce in Shahada Court and the husband has filed proceeding for restitution of conjugal rights under section 9 of the Hindu Marriage Act. It appears that in the past one proceeding under Section 13B of the Act was filed in Shahada Court by both the sides for mutual divorce but that proceeding was disposed of. In view of these circumstances and the submissions made this Court holds that the two proceedings need to be brought in one and the same Court. The wife has also contended that she has no source of income and she may not be able to spend on attendant and conveyance as she will be required to come to Aurangabad from Shahada which is at a distance of about 250 kilometers.

4) In the result, the application is allowed. The Petition No.A.131/2012 presently pending in Family Court

Aurangabad is hereby withdrawn from that Court and is transferred to Court of the Civil Judge, Senior Division, Shahada where HMP No.14/2014 filed by the wife is pending.

5) The new Court is to start hearing of the matter only after service of notice which is to be issued on Court motion to the husband as nobody has turned up for the husband today in this Court in the present proceeding. The parties are to appear in the new Court on 2-9-2016. The new Court is to take care and see that the dates of both the proceedings match.

Sd/-
(T.V. NALAWADE, J.)

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