

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

905 WRIT PETITION NO. 10106 OF 2016

PRASHANT MALHARRAO DESHMUKH
VERSUS
PRACHI PRASHANT DESHMUKH

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Advocate for Petitioner : Kshitij Surve

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CORAM : T.V. NALAWADE, J.
DATED : 5th October, 2016.

ORDER :

1. The petition is filed to challenge the order made on Exh. 35 by the learned Civil Judge, Senior Division, Jalgaon. Heard the learned counsel for petitioner.

2. The aforesaid application was filed in Regular Civil Suit No. 414/2013 which is filed for civil maintenance against the petitioner and prayer was made to club the civil suit with Hindu Marriage Petition No. 494/2015 filed under section 13 for divorce. The scope of Hindu Marriage Petition in divorce petition and the points involved are altogether different. Civil maintenance in regular civil suit has different scope and the trial is of also different nature. There is no question of clubbing regular civil suit with Hindu Marriage Petition and so, the Trial Court has not committed any error in rejecting the application.

3. The learned counsel for petitioner placed reliance on the case reported as **2015 (5) Bom.C.R. 616 [Rameshwar Madhavrao Bachkar Vs. Sau. Pratibha R. Bachkar]**. He submitted that in the said matter direction is given to club the proceeding filed under section 125 of Cr.P.C. with Hindu Marriage Petition filed under section 9 of the Act and so, such clubbing is possible. This Court is avoiding to make observations with regard to the said order. This Court holds that there is no possibility of interference in the order made by the Trial Court Judge.

4. So, the petition is dismissed. The Trial Court is to expedite the matter in view of the request made by the learned counsel for petitioner. The Trial Court is to decide the matter within four months from the date of receipt of this order.

[T.V. NALAWADE, J.]

ssc/