

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO.221 OF 2015

Deepa Pravinsingh Pardeshi @		
Deepa Rajendrasingh Pardeshi	...	Applicant
Versus		
Pravinsingh Arunsingh Pardeshi	...	Respondent

Mr. Sachin Gite for the Applicant.
Mr. Abhijeet A. Joshi for the Respondent.

CORAM : S.C.GUPTE, J.

DATE : 15 MARCH 2017

P.C. :

1. Heard learned counsel for the Applicant.
2. This misc. civil application seeks transfer of a matrimonial proceeding for divorce pending before the Court of Civil Judge, Senior Division at Pune to the Family Court at Nashik Road, Nashik.
3. It is submitted that another proceeding filed by the Applicant wife under the Protection of Women from Domestic Violence Act, 2005 is pending before the court of Chief Judicial Magistrate, Nashik. Learned Counsel for the Applicant submits that his client is agreeable for transfer of this proceeding to the Family Court at Nashik, for being heard alongwith the transferred of Marriage Petition.

4. Considering the fact that the Applicant is residing with her parents at Nashik and has no source of income and also considering the fact that in any event, the Respondent has been attending the domestic violence proceeding proceedings pending in Nashik, it is in the interest of justice to have the two proceedings clubbed for hearing at one place. Common question arise in the two proceedings and common evidence may have to be led.

5. Learned Counsel for the Respondent submits that the Applicant has not been attending the Court of Chief Judicial Magistrate, Nashik for prosecuting the domestic violence proceeding after having obtained interim orders of maintenance. Learned counsel produces a copy of roznama in support of his submissions, which shows that the Applicant and her Advocate have been indeed remaining absent. There is, accordingly, a case for directing time bound disposal of the proceedings.

6. The Miscellaneous Civil Application is, accordingly, allowed in terms of prayer clause (a). It is also directed that Miscellaneous Application No.432 of 2012 pending before the court of Chief Judicial Magistrate, First Class at Nashik shall be transferred to the Family Court at Nashik, to be heard alongwith the transferred divorce petition. The Family Court at Nashik is directed to dispose of both proceedings as expeditiously as possible, and in any event within a period of 6 months from today.

7. The miscellaneous civil application is disposed of, accordingly.

(S.C. GUPTE, J.)