

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

932 MISC.CIVIL APPLICATION NO.78 OF 2022

**YOGITA ONKARESHWAR DESHMANE
VERSUS
ONKARESHWAR RAGHUNATH DESHMANE**

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Mr. Shrikshan S. Shinde, Advocate for the applicant.
Mr. Mohit Deshmukh, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09.12.2022.

ORDER:-

1. Despite so many opportunities, the respondent failed to file reply. It was also observed that if the reply is not filed by the respondent, then the matter would be worked out in absence of such reply. The learned Counsel for the respondent is also absent.

Later on –

2. The learned Counsel for the respondent tendered across the bar an affidavit-in-reply. The same is taken on record. Copy is served to other side.

3. Heard rival submissions. The applicant-wife is seeking transfer of Marriage Petition No. A-389 of 2021 filed by respondent for getting divorce, from the Family Court, Nanded to the Family Court, Aurangabad. It appears that the

applicant has filed two petitions; one under Section 9 of the Hindu Marriage Act for the restitution of conjugal rights and the other under Section 125 of Cr.P.C. for getting maintenance before the Family Court Aurangabd wherein the respondent has already appeared. Moreover, a third matter being a criminal prosecution under Section 498-A of I.P.C. is also going on against respondent bearing R.C.C. No. 904/2018. Thus, it would be convenient if all the petitions before Family Courts are tried by one and the same Court. As such, considering of the applicant wife, who is having one child from the respondent presently residing with her, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Petition No.A-389 of 2021 is hereby transferred from the Family Court, Nanded to the Family Court, Aurangabad for its simultaneous disposal alongwith the Petition No. A-239 of 2018, filed by the applicant therein, according to law.
- (iii) The respondent is directed to appear before the learned Family Court, Aurangabad on 12th January 2023.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)