

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

951 MISC.CIVIL APPLICATION NO.104 OF 2022

DIPAL KUNAL AHIRE
VERSUS
KUNAL SHIVAJI AHIRE

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Advocate for Applicant : Mr. R. P. Totla h/f Mr. A. P. Bhandari

Advocate for Respondent : Mr. S. N. Suryawanshi

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 22/12/2022.**

P. C. :

1. Heard rival submissions.
2. The applicant is seeking transfer of HMP No.430 of 2021 filed by the respondent husband for getting divorce from the court of CJSD, Malegaon to Family Court, Jalgaon.
3. According to the applicant, she has no independent source of income and she has also filed certain proceedings against the respondent husband at Jalgaon namely Petition No. E-157 of 2021 at Family Court, Jalgaon under Section 125 of Cr.P.C. and Petition No.A 339 of 2021 for restitution of conjugal right. The respondent has appeared in these proceedings.
4. The learned counsel for the respondent husband though strongly opposed the application on the ground that the applicant is an earning member, but this court in recent judgments has already taken a view that when the matters between husband and wife are pending in different courts having same set of facts, the

same can be disposed of by one and the same court to avoid conflict of decisions. In view of the same, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The HMP No.430 of 2021, pending in the court of CJSD, Malegaon is transferred to the Family Court, Jalgaon for its simultaneous disposal alongiwth the petitions filed by the applicant-wife therein according to law.
- (iii) The respondent is directed to appear before the Family Court, Jalgaon on or before 07/01/2023.
- (iv) The Family Court, Jalgaon is directed to dispose of all these petitions as expeditiously as possible.
- (v) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)