

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

MISC.CIVIL APPLICATION NO.105 OF 2022

**DEEPAK VISHWANATH BORULE
VERSUS
ASHA DEEPAK BORULE AND ORS.**

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Advocate for Applicant : Mr. Sudhir K. Chavan
Advocate for Respondent no.1 : Ms. Priyanka R. Deshpande

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CORAM : MANGESH S. PATIL, J.

DATED : 22 JUNE 2022

PER COURT :

1. Heard learned advocate Mr. Sudhir Chavan for the applicant-husband and learned advocate Ms. Priyanka Deshpande for respondent no.1-wife.
2. A matrimonial dispute pending on the file of learned Civil Judge Senior Division Bhalki, State of Karnataka has been transferred by the Supreme Court to the Court of Civil Judge Senior Division at Latur (Maharashtra).
3. Already, another matter between the parties is pending before the Family Court at Latur. The applicant is now requesting for transfer of the marriage petition pending on the file of Family Court at Latur to the Court of Civil Judge Senior Division at Latur.

4. Though the applicant is praying for further relief in the form of a direction for clubbing of both these matters. In my considered view, the direction cannot be issued in a proceeding having limited jurisdiction under section 24 of the Code of Civil Procedure.

5. Besides, the propriety of clubbing both these matters would depend upon several factors and the trial court is expected to take a decision bearing in mind the propriety of issuing any such direction for clubbing.

6. Independently, going by the fact situation in the matter in hand, there is no sufficient ground not to concede to the request for transfer of the proceeding from the Family Court to the Civil Judge Senior Division.

7. Application is partly allowed.

8. The proceeding bearing No. E-102 of 2019 pending on the file of the learned Judge, Family Court at Latur is transferred to the Court of learned Civil Judge Senior Division, Latur where the Hindu Marriage Petition No.40 of 2020 is pending.

9. It is made clear that the question as to clubbing of the matter is not being decided and has been kept open.

10. The parties shall appear before the Court of Civil Judge Senior Division whenever the Hindu Marriage Petition No. 40 of 2020 is due before the Court of Civil Judge Senior Division.

(MANGESH S. PATIL, J.)