

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

960 MISC.CIVIL APPLICATION NO.118 OF 2019

**ASHWINI BUDHISAGAR SABLE
VERSUS
BUDHISAGAR CHANDAN SABLE**

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Mr. Prashant Jadhav, Advocate for the applicant.
Mr. Rajendra Wagh, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09.12.2022.

ORDER:-

1. Heard rival submissions. The applicant-wife is seeking transfer of HMP No.10/2019 filed by the respondent – husband for restitution of conjugal, from the Family Court, Aurangabad to the Court of Civil Judge (Senior Division) at Hingoli.

2 The learned Counsel for the respondent strongly opposed the application on the ground that the applicant is not ready to cohabit with the respondent, and therefore, he has sought restitution of conjugal rights. On the contrary, it appears that the applicant - wife has filed three proceedings against the respondent – husband namely criminal prosecution under Section 498-A of IPC, proceeding under PWDV Act and under Section 125 of Cr.P.C. It appears that

the applicant is not having any source of income and in the petition filed for that purpose, the respondent is appearing. The Hon'ble Apex Court, in the latest judgment, has taken a view that all the proceedings having similar facts are required to be decided by one and the same Court. Moreover, there are three proceedings going on against the respondent in Hingoli District whereas there is only one proceeding is pending at Aurangabad. Therefore, considering the convenience applicant wife, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) HMP No 10/2019 is hereby transferred from the Family Court, Aurangabad to the Court of Civil Judge (Senior Division), Hingoli for its disposal according to law.
- (iii) The respondent is directed to appear before Civil Judge (Senior Division) at Hingoli on 16th January 2023. The respondent will be at liberty to seek convenient dates for all the aforesaid proceedings.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)