

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

955 MISC.CIVIL APPLICATION NO.24 OF 2023

**UTKARSHA INDRAJIT WANKHEDE
VERSUS
INDRAJIT NATHU WANKHEDE**

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Mr. S.R. Kedar, Advocate for the applicant.
Mr. P.C. Mayure, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20.07.2023.

ORDER:-

1. Learned Counsel for the respondent tendered on record affidavit in reply. Taken on record. Copy is already furnished to other side.
2. Heard rival submissions.
3. The applicant – wife is seeking transfer of Petition No.A-286 of 2022 filed by respondent- husband for divorce, from the Family Court, Dhule to the Family Court, Aurangabad.
4. According to the applicant-wife, she is not having any independent source of income and she has also filed proceeding under Section 125 of Cr.P.C. against the respondent husband at Family Court Aurangabad, wherein the respondent has already appeared.

5. The learned counsel for the respondent- husband strongly opposed the application by filing affidavit in reply of the respondent husband on the ground that the applicant is in fact residing at Sillod, wherein one criminal prosecution under Section 498-A of I.P.C. is also going on against the respondent. According to him, the applicant only with the intention to harass the respondent has filed proceeding at Aurangabad.

6. However, it seems that the respondent husband is already attending the dates at Aurangabad in the proceeding filed by the applicant wife. Moreover, the divorce proceeding filed by the respondent and the maintenance proceeding filed by the wife appear to be based on same set of facts. As such, considering the convenience of the applicant-wife, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) Petition A-286/2022 pending in the Family Court, Dhule is hereby transferred to the Family Court, Aurangabad for its simultaneous disposal with the maintenance proceeding filed by the applicant wife therein.
- (iii) The respondent is directed to appear before the learned Family Court, Aurangabad on 19.08.2023. He may seek convenient dates for both the proceedings pending at

Aurangabad from the concerned Family Court. He will be at liberty to appear in those proceedings through his lawyer except on the dates where his personal attendance is required.

- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)