

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

987 MISC.CIVIL APPLICATION NO.24 OF 2021

KALYANI AMOL PATIL ALIAS KALYANI MOHAN SALUNKE
VERSUS
AMOL RAVINDRA PATIL

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Advocate for Applicant : Mr. A. S. Savale

Advocate for Respondent : Mr. D. B. Pokale h/f Mr. D. B. Shinde

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 05/01/2023.

P. C. :

1. Heard rival submissions.
2. The applicant is seeking transfer of marriage Petition No.A-572 of 2020 filed by respondent husband for restitution of conjugal rights from learned Family Court, Pune to the learned Family Court, Dhule.
3. According to the applicant, she is not having any independent source of income and she has to maintain 2 & ½ year old son begotten out of this wedlock. Moreover, the distance between Pune and Dhule is of more than 350 Kms., and therefore, it would be highly impossible for her to attend the dates at Family Court, Pune. Moreover, it appears that her maintenance petition under Section 125 of Cr.P.C. is also pending before the concerned Magistrate at Dhule and one petition bearing No.A-128 of 2020 filed by her against the respondent in the Family Court, Dhule, for restitution of conjugal rights is also pending, wherein the respondent husband has already appeared.

4. On the contrary, the learned counsel for the respondent strongly opposed the application by filing reply. He contended that the respondent is always ready to cohabit with the applicant and also tried for mediation with the help of relatives. However, due to adamant nature of applicant, no settlement could be materialized.

5. However, considering the fact that the respondent has already appeared at Family Court Dhule in the proceeding lodged by the applicant wife, the proceeding filed by the husband can be conveniently transferred to Family Court, Dhule as it is always advisable to decide the proceeding lodged by parties against each other having similar set of facts, by one and the same court. In view of the same following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition No. A-572 of 2020, pending in Family Court, Pune, is transferred to the Family Court Dhule for its simultaneous disposal alongwith the Petition No.A-128 of 2020 pending therein and filed by the applicant, according to law.
- (iii) The respondent is directed to appear before Family Court, Dhule on or before 01/02/2023.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)