

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

**943 CRIMINAL APPLICATION NO.341 OF 2023**

**SHIVAJIRAO ANANDRAO GAEKWAR AND OTHERS  
VERSUS  
ASHWINI KAILAS PATIL**

...

Advocate for Applicants : Mr. Sohail Subhedar h/f Mr. Nilesh S.  
Ghanekar

Advocate for Respondent No. 1 : Mr.Ladda Somnath G.  
Mr. Lohade Akshay Pawan

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**CORAM : R. G. AVACHAT, J.**

**DATE : 20.04.2023.**

**PER COURT :**

1. Heard.
2. This application has been moved for transfer of proceedings initiated under Section 12 of the Protection of Women from Domestic Violence Act, (for short "Domestic Violence Act") from the Court of Chief Judicial Magistrate, Aurangabad to the Family Court, Aurangabad.
3. Admittedly, the petition for dissolution of marriage preferred by the applicant/husband has been transferred from the Court of Bandra, Mumbai to the Family Court, Aurangabad.

It is informed that the learned Magistrate seized of the proceeding under Section 12 of the Domestic Violence Act, has heard the arguments on the application for grant of interim maintenance. It is an admitted fact that the arguments on such application were heard about two months before and the matter has been posted for order on 30.05.2023.

4. In the facts and circumstances of the case, it would not be desirable to direct the Court concerned to prepone the matter to pass necessary orders, since both the proceedings are between the same parties, the Family Court being competent to decide the same and the nature of the evidence and pleadings being similar, it is desirable that the proceeding under Domestic Violence Act is transferred to the Family Court, Aurangabad, which is seized of the H.M.P. petition No. 469 of 2022.

5. In view of the above, the application is allowed in terms of prayer Clause (B).

6. The Family Court Aurangabad is directed to decide the application for interim maintenance, within the time frame

of one month from the date of receipt of the Record and Proceedings of the application under Section 12 of the Domestic Violence Act. The Family Court is also expected to decide both the proceedings within a time frame of eight months from the date of receipt of a copy of this order.

**( R. G. AVACHAT )**  
**JUDGE**

mahajansb/