

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

969 MISC.CIVIL APPLICATION NO.80 OF 2018

SANCHITA SATYENDRA ROJEKAR
VERSUS
SATYENDRA VIJENDRA ROJEKAR

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Advocate for Applicant : Mr. Y. V. Kakade
Advocate for Respondent : Mr. V. A. Bagdiya

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 17/02/2023.**

P. C. :

1. Since the learned counsel for respondent remained absent, stand over to 24/02/2023 as a last chance.

2. The matter will be worked out on next date even in the absence of respondent or any counsel on his behalf.

Later on -

3. The learned counsel for respondent submits that the respondent would not be having any objection if the matter is transferred as prayed by the applicant.

4. In view of the same, the application stands allowed and the P.A. No.484 of 2017 is transferred from Family Court Aurangabad to Family Court, Ahmednagar for its simultaneous disposal alongwith the P.A. No.556 of 2021 filed by applicant -wife pending therein, according to law.

5. The learned counsel for the applicant / wife submits that after filing this application, the wife had also filed proceeding under section 125 of Cr.P.C. for getting maintenance against the respondent / husband in the court of concerned JMFC at

Ahmednagar. He pointed out that the same was filed before JMFC since by that time the establishment of Family Court at Ahmednagar was not there. The number of said proceeding is Cr.MCA No. 378 of 2019. Thus, the applicant is also praying for transfer of this proceeding to the Family Court Ahmednagar. Though the learned counsel for the respondent strongly opposed this submission on the ground that there is no prayer in respect of such transfer in the application, but after the establishment of Family Court at Ahmednagar, the proceeding under Section 125 of Cr.P.C. filed by applicant / wife can also be conveniently transferred to Family Court at Ahmednagar as it is settled that when different matters on the same set of facts are pending in different courts, it is advisable that all such matters must be dealt with one and the same court. As such, even in absence of specific prayer the Criminal Miscellaneous Application No.378 of 2019 is also transferred to Family Court Ahmednagar for disposal according to law. The respondent / husband will be at liberty to seek convenient dates from the Family Court, Ahmednagar in all these three proceedings and he shall appear before the Family Court Ahmednagar on or before 15/03/2023.

6. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)