

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.62 OF 2023

Anandkumar s/o Saudagar Miragane & Others Applicants

Versus

Chhaya w/o Shankarrao Kuhire & Others Respondents

Mrs. Chhaya E. Gaikwad, Advocate for applicants.

Mr. Mangesh Tade, Advocate for respondent No. 1 to 7.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th OCTOBER, 2023

ORDER :

1. This application is filed by applicant/husband seeking transfer of proceeding i.e. Misc. Civil Application No. 39/2022, filed by respondent Nos. 4 and 5 in District Court, Barshi, to learned 3rd Additional District Judge, Jalna.

2. It is the contention of the husband that his wife Sneha died due to Covid in the year 2021. He filed application for custody of younger son Ajinkya. Said application has been rejected. Thereafter, he has filed Petition No. D-1/2022 before Family Court, Jalna. Respondent Nos. 4 and 5 have filed Petition No. D-2/2022 in Family Court, Jalna. Respondent No. 1 has filed Misc. Civil Application No. 21/2022 in Family Court, Jalna.

Thereafter, Respondent Nos. 4 and 5 have filed Misc. Civil Application No. 39/2022 before Additional District Judge, Barshi. Respondent No. 1 has also filed Misc. Civil Application No. 155/2022 and Misc. Civil Application No. 814/2022 before Civil Judge, Junior Division, Jalna and Civil Judge, Senior Division, Aurangabad. He therefore, submits that for the convenience of parties Misc. Civil Application No. 39/2022, pending before District Court, Barshi, Dist. Solapur be transferred to the Court at Jalna.

3. Learned advocate for the respondents vehemently opposed the prayer of the husband.

4. Heard the learned advocate for the applicant and learned advocate for the respondent. Perused the memo of application, annexures thereto and the reply filed by respondent.

5. Since, already proceedings i.e. Petition No. D-1/2022, D-2/2022 are pending before Family Court, Jalna, it is desirable in the interest of justice and for convenience of parties to club these matters and transfer Misc. Civil Application No. 39/2022, pending before District Court, Barshi to Family Court at Jalna. In the result, following order:

ORDER

1. Civil Miscellaneous Application is allowed.
2. Misc. Civil Application No. 39/2022, pending before District Court, Barshi, District- Solapur, is hereby transferred to Family Court at Jalna.
3. Proceedings i.e. Misc. Civil Application No. 39/2022, Petition No. D-1/2022 and D-2/2022 be clubbed together and place it before Family Court at Jalna.

[NITIN B. SURYAWANSHI, J.]