

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

964 MISCELLANEOUS CIVIL APPLICATION NO. 144 OF 2023

SONALI MAHESH BORSE
VERSUS
MAHESH YADAVRAO BORSE

...
Mr. A.J. Mete – Advocate for Applicant
Mr. R.V. Gore – Advocate for Respondent
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th August, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Petition No. B-8 of 2021 filed by respondent – husband for annulment of marriage to the Court of C.J.S.D., Pune from the Family Court, Aurangabad.
3. According to the applicant – wife, she is not having any independent source of income. Moreover, she has also filed proceeding under Section 9 of Hindu Marriage Act in the Court of C.J.S.D., Pune wherein the respondent is served but yet to appear. According to her, she is residing with her sister

at Pune since long.

4. The learned Counsel for the respondent – husband strongly opposed the application on the basis of affidavit in reply filed by the respondent – husband on the ground that, the applicant has suppressed the fact that her parents are residing at Vaijapur and the notice sent by the husband to the applicant was also received at Vaijapur only.

5. However, it appears that the respondent – husband himself has shown address of the applicant at Pune in his application at Aurangabad. Moreover, there is nothing on record to show that the respondent on his own had in fact provided certain maintenance to the applicant. It is significant to note that, the respondent will have to attend the dates at Pune in the proceeding filed by the applicant – wife. Further, if different proceedings between the same parties on the same set of facts are pending in different Courts then it is always advisable that, those proceedings should be dealt by one and the same Court to avoid conflict of decisions. In view of the same and considering the convenience of applicant – wife,

following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) Petition No. B – 8 of 2021 pending in the Family Court, Aurangabad is transferred to the Court of C.J.S.D., Pune for its simultaneous disposal alongwith the Petition for restitution filed by the applicant – wife pending therein, according to law.
- (iii) The respondent is directed to appear before Court of C.J.S.D., Pune on or before 6th September, 2023, and he is at liberty to seek convenient dates from the concerned Court for both these proceedings.
- (iv) The application is disposed of accordingly.

**[SANDIPKUMAR C. MORE]
JUDGE**