

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

**922 MISC.CIVIL APPLICATION NO.145 OF 2021
WITH MCA/70/2022**

**SUNITA ANAND HIREMATH
VERSUS
ANAND JAIPRAKASH HIREMATH**

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Mr. B.L. Sagar – Killarikar, Advocate for the applicant.
Mr. Rahul P. Mote, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 02.02.2023.

ORDER:-

1. At the request of learned Counsel Mr. Ashutosh Kulkarni, his appearance on behalf of respondent stands discharged.

2. Leave to correct prayer clause (B) of MCA No. 70 of 2022 by mentioning “Family Court, Jalna” instead of “Court of District Judge, Jalna”.

2. Heard rival submissions. The applicant – wife in both these applications is seeking transfer of petition A. No.156/2021 filed by respondent - husband for getting divorce, to the Court of Family Court, Jalna from from Family Court, Solapur. Likewise, in the second application, the applicant – wife is seeking transfer of CMA No. 121/2021 filed by the

respondent - husband for getting custody of child, from the District Court, Solapur to the Family Court, Jalna.

3. The learned Counsel for the respondent strongly opposed the applications on the ground that though the respondent was initially residing at Solapur, but subsequently he shifted to Pune. He fairly submits that the respondent is attending the dates at Family Court, Jalna from Pune in the petition filed by applicant for getting maintenance under Section 125 of Cr.P.C. He further pointed out that considering some abusing instances between respondent and brother of applicant, all the pending matters between the parties can be conveniently transferred to Aurangabad Family Court. However, the learned Counsel for the applicant opposed for such arrangement.

4. It is now settled that the convenience of the wife is to be considered ahead of the convenience of husband in transfer cases. It is also settled that when the different matters are pending at different places arising out of same set of facts, it is advisable that all such matters should be dealt by one and the same Court. The respondent husband is already attending the dates at Family court, Jalna in the maintenance proceeding. Therefore, considering all these aspects, following order is passed.

ORDER

- (i) Both the applications are hereby allowed.
- (ii) The Petition A.No.156 of 2021 pending in the Family Court, Solapur and CMA No. 121/2021 pending in the Court of District Judge, Solapur are transferred to the Family Court, Jalna for it's simultaneous disposal alongwith the maintenance proceeding filed by applicant – wife therein, according to law.
- (iii) The respondent is directed to appear before Family Court, Jalna on or before 1st March, 2023.
- (iv) The applications are disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)