

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

967 MISC.CIVIL APPLICATION NO.205 OF 2022

**PRATIKSHA SACHIN BADE
VERSUS
SACHIN BHAGWAN BADE**

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Mr. Avinash aghav, Advocate for the applicant.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 12.01.2023.

ORDER:-

1. Heard learned Counsel for the applicant. The respondent husband, despite service remained absent.
2. The applicant is seeking transfer of petition A-59/2022 filed by the respondent for getting divorce, from the Family Court, Pune to Family Court, Ahmednagar. It appears that the applicant is not having any source of income and she is also having 21 months daughter to look after. Further, it appears that the applicant – wife had lodged N.C.R. case before Lonikand Police Station against the respondent – husband on 25.04.2022 since the respondent beat her. Moreover, the applicant has also filed proceeding against the respondent husband in Family Court, Ahmednagar for restitution of conjugal rights. This Court has recently taken view that when the proceedings between husband and wife are going on in

respect of the same set of facts, then the same are to be dealt by one and the same Court. Moreover, considering the fact that applicant – wife is having small daughter, it would be highly difficult for her to attend the dates at Family Court, Pune. Further, the conduct of respondent is also threatening. In view of the same, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Petition A/59/2022 is hereby transferred from the Family Court, Pune to the Family Court Ahmednagar for its simultaneous disposal alongwith the Petition A.No. 205 of 2022 filed by the applicant therein, according to law.
- (iii) The respondent is directed to appear before the learned Family Court, Ahmednagar on or before 1st February 2023.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)