

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

958 MISC.CIVIL APPLICATION NO.215 OF 2022

RESHMA SACHIN DHAKATE
VERSUS
SACHIN RAMCHANDRA DHAKATE

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Advocate for Applicant : Mr. D. R. Markad
Advocate for Respondent : Mr. N. N. Bhagwat

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 24/02/2023.**

P. C. :

1. Heard rival submissions
2. The applicant – wife is seeking transfer of HMP No.572 of 2022 filed by respondent- husband for getting divorce, to the Family Court, Ahmednagar from the Court of CJSD, Niphad.
3. According to the applicant-wife, she is not having any independent source of income. She is also having two years old child to look after. Moreover, she has also filed in all three proceedings including criminal prosecution under Section 498-A of IPC, petition for restitution of conjugal rights and proceeding under PWDV Act at Ahmednagar. The respondent husband will have to appear there.
4. The learned counsel for the respondent- husband strongly opposed the application on the basis that all the witnesses of divorce proceeding are from Niphad and that the applicant has filed the aforesaid three proceedings only to harass the respondent.
5. However, it is significant to note that when different proceedings at different courts on the same set of facts are

pending, then it would be advisable that all such proceedings must be dealt by one and the same court since the decisions in those proceedings are interdependent on each other. Moreover, convenience of the wife is also to be seen ahead of the convenience of the husband. As such, considering the convenience of applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The HMP No.572 of 2021 pending in the court of CJSD, Niphad is transferred to the Family Court, Ahmednagar for its simultaneous disposal alongwith the petition filed by the applicant-wife pending therein, according to law.
- (iii) The respondent is directed to appear before Family Court, Ahmednagar on or before 15/03/2023.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)