

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

MISC. CIVIL APPLICATION NO.218 OF 2022

Sushma Mukesh Pawar

Applicant

Versus

Mukesh Sharad Pawar

Respondent

Mr. P. V. Barde, advocate for the Applicant

Ms. Sayali S. Kulkarni, advocate holding for Mr. D. S. Patil,
advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23rd February, 2023.

PC :

Heard learned Counsel for respective parties.

The applicant is seeking transfer of Marriage Petition No.475 of 2022, filed by the respondent-husband for getting divorce, from the Court of learned Civil Judge, Senior Division, Pune to the Family Court, Ahmednagar.

The applicant is not having independent source of income. She is maintaining a daughter aged about 10 years. She has also filed proceeding for enhancement of maintenance amount under Section 127 of the Code of

Criminal Procedure in the Family Court, Ahmednagar, wherein the respondent has appeared. Therefore, she has sought transfer of the Marriage Petition to Family Court, Ahmednagar.

On the contrary, the respondent-husband opposed this application by filing affidavit-in-reply contending that the deduction from his salary to the extent of Rs. 8000/- per month towards the maintenance of applicant and his daughter is already going on regularly. Further, he is having responsibility of his old aged parents and he himself is suffering from pain in right hip and leg, which may require surgery in future. At present, he is unable to travel.

However, it appears that in the past also, the petition filed by respondent-husband for restitution of conjugal rights was transferred from Pune to Ahmednagar on the application of applicant-wife. Further, the respondent is already attending the dates at Family Court, Ahmednagar in the proceedings filed by the applicant for enhancement of maintenance amount. It is settled that if the matters between same parties, on the same set of facts, are pending in

different Courts, then those matters need to be decided by one and the same Court for avoiding conflict of decisions.

In view of the same and considering the convenience of applicant wife, ahead the convenience of the husband, following order is passed:

(A) Misc. Civil Application is hereby allowed.

(B) The Marriage Petition No.475 of 2022 is transferred from the Court of learned Civil Judge, Senior Division, Pune to the Family Court, Ahmednagar, for disposal according to law.

{C} The respondent-husband is directed to appear before the Family Court, Ahmednagar, on or before 15th March, 2023.

(SANDIPKUMAR C. MORE)
JUDGE

adb