

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

984 MISC.CIVIL APPLICATION NO.234 OF 2022

**VANITA ASHUTOSH SATALKAR
VERSUS
ASHUTOSH DNYANESHWAR SATALKAR**

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Mr. Govind Chate, Advocate for the applicant.
Mr. Ganesh Darandale, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 13th April 2023.

ORDER:-

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Marriage Petition No.327/2022 filed by respondent- husband under Section 12 of Hindu Marriage Act for nullity of marriage, from the Court of 3rd Jt. Civil Judge (Senior Division), Niphad, District Nashik to the Court of learned Civil Judge (Senior Division), Aurangabad.
3. According to the applicant-wife, she is not having any independent source of income. Moreover, she has also filed one proceeding u/s 9 of Hindu Marriage in the Court of Civil Judge (Senior Division), Aurangabad bearing Marriage Petition No. 45/2023 wherein notice to respondent husband is awaited.

4. On the contrary, learned counsel for the respondent-husband strongly opposed the application by filing affidavit in reply of the respondent husband on the ground that the respondent ready to bear the travelling expenses for the applicant-wife, if she has to attend dates at Niphad. In the alternative, the respondent is claiming that if the Court is of the view to transfer the matter from Niphad then it be transferred to Vaijapur where the marriage between the parties was solemnized.

5. However, the Hon'ble apex Court and this Court in number of cases has taken a view that if the different proceedings at different places are pending which are based on same set of facts, then it would be advisable that both such proceedings shall be dealt by one and the same Court to avoid conflict of decisions. Further it is significant to note that the respondent husband will have to attend the dates at Aurangabad in the petition filed by applicant-wife. Therefore, these facts following following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) Marriage Petition No.327/2022 pending in the Court of 3rd Jt. Civil Judge (Senior Division), Niphad, is transferred to the Court of Civil Judge (Senior Division), Aurangabad

for it's simultaneous disposal alongwith the Marriage Petition No. 45/2023 filed by the applicant and pending therein, according to law.

- (iii) The respondent is directed to appear before Civil Judge (Senior Division), Aurangabad on or before 02.05.2023 and he will be at liberty to seek convenient dates for both the proceedings. The respondent is also at liberty to appear through his advocate except on the dates where his physical presence is necessary. He may use the facility of Video Conferencing, wherever possible.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)