

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

971 MISCELLANEOUS CIVIL APPLICATION NO. 291 OF 2022

Suchitra Kuldeep Nirmal,
Age : 25 years, Occ. : Household,
R/o. : C/o. Shivaji Zine, Plot No. 7,
Yashodhara Colony, opposite to
Ranaji Mangal Karyalaya,
CIDCO, Aurangabad

... APPLICANT

VERSUS

Kuldeep Ramchandra Nirmal,
Age : 31 years, Occ. : service,
R/o. Sant Namdeo Nagar, Dhanora Road,
Tq. & Dist. Beed

... RESPONDENT

...

Mr. P.M. Gaikwad – Advocate for Applicant
Mr. A.R. Gaikwad – Advocate for Respondent

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 22nd June, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Petition No. A-88 of 2022 filed by respondent – husband for getting divorce from Family Court, Beed to Family Court, Aurangabad.
3. According to the applicant – wife, she is not having any independent source of income. Moreover, she has also filed

three proceedings one under P.W.D.V. Act and other under Section 125 of Cr.P.C. and the last under Section 9 of Hindu Marriage Act at Aurangabad, wherein the respondent – husband has already appeared.

4. The learned Counsel for the respondent – husband though strongly opposed the application but in the alternative submitted that, if the petition of husband is transferred from Beed to Aurangabad then it be tagged alongwith all the proceedings filed by the applicant – wife at Aurangabad.

5. However, it is significant to note that the two petitions filed by applicant – wife i.e. for maintenance and for restitution of conjugal rights are already pending in Family Court, Aurangabad. Moreover, the proceeding under P.W.D.V. Act pending in the Court of J.M.F.C., Aurangabad can also be dealt by Family Court, Aurangabad. As such, for avoiding conflict of decisions and considering the convenience of applicant – wife, following order is passed :-

ORDER

- (i) The application is hereby allowed.

- (ii) Petition No. A-88 of 2022 pending in Family Court, Beed is transferred to Family Court, Aurangabad for its simultaneous disposal according to law alongwith the petitions filed by the applicant – wife pending therein.
- (iii) P.W.D.V. Application No. 106 of 2023 pending in the Court of concerned J.M.F.C. also stands transferred to Family Court, Aurangabad for its simultaneous disposal alongwith the all proceedings going on between applicant and respondent pending therein.
- (iv) The respondent is directed to appear before the Family Court, Aurangabad on or before 15th July, 2023 and he will be at liberty to seek convenient dates for all the proceedings pending between himself and applicant.
- (iv) The application is disposed of accordingly.

[SANDIPKUMAR C. MORE]
JUDGE