

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

966 MISC.CIVIL APPLICATION NO.286 OF 2021

**SHAHARBANO MOHAMMED AZAHARODDIN SHAIKH
VERSUS
SHAIKH MOHAMMED AZAHARODDIN NAJIMODDIN**

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Mr. Sandesh R. Patil, Advocate for the applicant.
Ms. Nayna Patil, Advocate holding for Ms. Surekha Mahajan,
Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 03.03.2023.

ORDER:-

1. The learned Counsel for the respondent tendered across the bar affidavit-in-reply. Copy is already furnished to the other side.

2. Heard rival submissions. The applicant – wife is seeking transfer of R.C.S. No. 174/2019 filed by the respondent- husband for restitution of conjugal rights, from the Court of Civil Judge (Junior Division), Malegaon to the Court of Civil Judge (Junior Division), Jalgaon.

3. According to the applicant-wife, she is not having any independent source of income and she is having 4 years old daughter to look after. Moreover, she has also filed proceedings under Section 125 of Cr.P.C. as well as proceeding

under the provisions of Protection of Women from Domestic Violence Act at Jalgaon wherein the respondent – husband has already appeared.

4. The learned Counsel for the respondent- husband strongly opposed the application by filing affidavit in reply of the respondent husband on the ground that respondent is working at Mumbai and he is not having sufficient leave to attend the dates at Jalgaon.

5. However, it appears that the respondent husband is already attending the dates at Jalgaon in the proceedings filed by the wife as aforesaid. Moreover, Jalgaon is situated on railway track which would be more convenient for the respondent husband than Malegaon for attending the dates. As per the recent view of this Court, if there are different proceedings pending at different Courts based on same set of facts and the decisions thereof are interdependent on each other, then it would be advisable that all the such proceedings be dealt by one and the same Court. As such, for the sake of convenience of the parties, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) R.C.S. No.174 of 2019 pending in the court of Civil Judge (Junior Division), Malegaon is transferred to the Court of Civil Judge

(Junior Division), Jalgaon for its disposal according to law.

- (iii) The respondent is directed to appear before the learned Civil Judge (Junior Division), Jalgaon on or before 1st April 2023 and he will be at liberty to seek dates as per his convenience in all these proceedings.
- (iv) The applicant shall also not seek unnecessary adjournments.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)