

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

970 MISC.CIVIL APPLICATION NO.302 OF 2022

**NIKITA SANDEEP SHUKLA
VERSUS
SANDEEP KISHOR SHUKLA**

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Mr. S.R. Nikam, Advocate holding for Mr. Yuvraj Kakade,
Advocate for the applicant.

Mrs. Sunita Sonawane, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 14.07.2023

ORDER:-

1. Heard rival submissions. The applicant – wife is seeking transfer of HMP No.804/2021 filed by respondent-husband for divorce, from the Court of Civil Judge (Senior Division), Pune to the Civil Judge (Senior Division), Ahmednagar.
2. According to the applicant-wife, she is not having any independent source of income. Moreover, she has also filed two proceedings at Ahmednagar i.e. proceeding u/s 9 Hindu Marriage Act and another proceeding for getting maintenance, against the respondent husband. The respondent husband has already appeared in those proceedings.
3. The learned counsel for the respondent- husband strongly opposed the application on the ground that considering the distance between Ahmednagar and Pune being of 120 kms only, the applicant can very well attend the dates at Pune on providing necessary conveyance charges.

4. However, it seems that the respondent husband is already attending the dates at Ahmednagar in the proceedings filed by the applicant wife. Further, it is settled now that when different proceedings are pending at different Courts based on same set of facts, then those proceedings should be decided by one and the same Court. Therefore, considering the convenience of the applicant-wife, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) HMP No.804/2021 pending in the court of Civil Judge (Senior Division), Pune is transferred to the Civil Judge (Senior Division), Ahmednagar for its simultaneous disposal alongwith the proceedings pending therein which are filed by the applicant - wife
- (iii) The respondent is directed to appear before the learned Civil Judge (Senior Division), Ahmednagar on or before 01.08.2023. He may seek convenient dates for all the proceedings pending at Ahmednagar including the criminal prosecution under Section 498-A of I.P.C. from the concerned Courts. He will be at liberty to appear in those proceedings through his lawyer except on the dates where his personal attendance is required.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)