

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

970 MISC.CIVIL APPLICATION NO.229 OF 2018

**SANGITA ANKIT ALIAS ANUJ DUBE
VERSUS
ANKIT ALIAS ANUJ SHRIKRUSHNA DUBE**

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Advocate for Applicant : Mr. Surve Hemant
and Mr. Surve Kshitij H.
Advocate for Respondents : Mr.S. U. Shaikh
and Mr. C. R. Dhak

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 03.02.2023

PER COURT :

Heard rival submissions. The applicant is seeking transfer of Petition A No. 1192/2018 filed by respondent -husband for restitution of conjugal rights, from Family Court No. 2, Nagpur to Family Court at Aurangabad.

2. According to the applicant, she is not having independent source of income and the distance between Aurangabad and Nagpur is about 475 kms. and therefore it is highly difficult for her to attend the dates at Nagpur. Moreover, she has also filed petition for getting divorce in Family Court, Aurangabad wherein the respondent husband has already appeared.

3. On the contrary the learned counsel for the respondent strongly opposed the application by relying upon the reply of respondent wherein it has been stated that the respondent is having responsibility of his old parents and he is ready to cohabit with the applicant.

4. However, it is now settled that if the different proceedings under the same set of facts are pending in different courts then it would be advisable to decide such proceeding by one and the same Court. Further the respondent will have to appear before Family Court, Aurangabad. Therefore, considering all these aspects, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) Petition A No.1192/2018 is hereby transferred from the Family Court No.2 Nagpur to the Family Court, Aurangabad for its disposal along with the petition filed by the applicant therein according to law.
- (iii) The respondent is directed to appear before the Family Court, Aurangabad, on or before 01.03.2023.
- (iv) The respondent is at liberty to seek convenient dates for all the proceedings going on at Aurangabad between himself and the applicant.

(v) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-