

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

986 MISC.CIVIL APPLICATION NO.332 OF 2022

**PRIYA BHUSHAN BHALERAO
VERSUS
BHUSHAN SURESH BHALERAO**

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Mr. Yuvraj Kakade, Advocate for the applicant.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 12.01.2023.

ORDER:-

1. Heard learned Counsel for the applicant. The applicant is seeking transfer of HMP No. 54/2022 filed by respondent husband for restitution of conjugal rights, from the Court of learned Civil Judge (Senior Division), Sangamner, District Ahmednagar to the Family Court, Ahmednagar.
2. According to the applicant, she is having no source of income and her maintenance petition is already pending before the Family Court, Ahmednagar wherein the respondent has appeared.
3. The respondent, though served, but remained absent. As per the recent view of this Court when the proceedings between the parties are going on simultaneously which are based on same set of facts, then it is always advisable that both the proceedings must be heard and

decided by one and the same Court. In the instant matter, the respondent husband is already attending the dates at Family Court, Ahmednagar in respect of the petition filed by the applicant wife for getting maintenance. Under such circumstances, and in view of the recent observation of this Court as mentioned above, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) HMP No.54/2021 is hereby transferred from the Court Civil Judge (Senior Division), Sangamner to the Family Court, Ahmednagar for its simultaneous disposal alongwith petition E No. 16/2021 filed by the applicant wife and pending therein, according to law.
- (iii) The respondent is directed to appear before the learned Family Court, Ahmednagar on or before 1st February 2023. The respondent would be at liberty to seek convenient date from the Family Court, Ahmednagar.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)