

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

MISC. CIVIL APPLICATION NO. 335 OF 2022

Dhanashree w/o Chandrakant Pujari Applicant

Versus

Chandrakant s/o Vasant Pujari Respondent

Mr. A. B. Jagtap, advocate for the Applicant
Mr. A. B. Chormal, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 09th March, 2023.

PC :

1 The learned Counsel for the respondent, tendered across the bar, the affidavit-in-reply, which is taken on record. Copy thereof is served to the other side.

2 Heard rival submissions.

3 The applicant is seeking transfer of HMP No.144 of 2022, filed by the respondent husband for restitution of conjugal rights, from the Court of Civil Judge Senior Division,

Shrirampur, District Ahmednagar, to the Family Court, at Nasik.

4 According to the applicant, she is not having any independent source of income and she has filed proceeding under Protection of Women from Domestic Violence Act bearing Criminal Misc. Application No. 573 of 2021 in the Court of Chief Judicial Magistrate, Nasik, wherein respondent has already appeared. She claims that the Hindu Marriage Petition filed at Srirampur is an afterthought.

5 On the contrary, learned Counsel for the respondent, by relying on the reply of respondent, strongly opposed the application on the ground that distance between Shrirampur and Nasik is only 120 Kms and therefore the applicant cannot have any inconvenience to travel the said distance which takes only three hours. However, it is significant to note that the respondent is already attending the dates at Nasik in the proceeding the under Protection of Women from Domestic Violence Act. Further, it is already

settled that if the different proceedings between the same parties are filed in different Courts, it is always advisable that one and the same Court must hear and dispose of those proceedings to avoid conflict of decisions. Moreover, those different proceedings appear to be inter-dependent on each other since they are arising out of same set of facts.

6 In view of the same and by considering convenience of both the parties, following order is passed:

(A) The Misc. Civil Application is hereby allowed.

(B) Petition bearing HMP No. 144 of 2022 is hereby transferred to Family Court Nasik from the Court of Civil Judge, Senior Division, Shrirampur, District Ahmednagar.

(C) Likewise, the proceedings filed by the applicant in the Court of Chief Judicial Magistrate, Nasik under the Protection of Women from Domestic Violence Act, bearing Criminal Misc. Application No. 573 of 2021 is also transferred

to Family Court, Nasik for its simultaneous disposal along with aforesaid HMP No. 144 of 2022.

(D) Respondent-husband is at liberty to seek convenient dates from the Family Court at Nasik and the applicant is directed not to take frequent adjournments. The respondent-husband is also at liberty to avail facilities of video conferencing wherever possible.

7 Misc. Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb