

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

1000 MISC.CIVIL APPLICATION NO.338 OF 2022

**KIRAN CHETAN DAYAL
VERSUS
CHETAN MANOJ DAYAL**

...
Mr. Rajendra Kasar, Advocate for the applicant.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 02.02.2023.

ORDER:-

1. Heard learned Counsel for the applicant. The respondent husband, despite service, remained absent.
2. The applicant is seeking transfer of Petition A/1464/2022 filed by respondent - husband for getting divorce, from the Family Court, Pune to Family Court, Ahmednagar.
3. It appears that applicant is not having any independent source of income and she is also having one 2 years old son to look after. She has also filed proceeding under Protection of Women from Domestic Violence Act against the respondent in the court of learned Judicial Magistrate (First Class), Ahmednagar. Besides, she has also filed petition for restitution of conjugal rights at Ahmednagar. Respondent has

already appeared in those proceedings. It is now settled that when the different proceedings based on the same set of facts are pending in different courts, then it would be advisable to decide those proceedings by one and the same Court. As such, considering the convenience of applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) Petition No. A/1464/2022 is hereby transferred from the Family Court, Pune to the Court of Family Court, Ahmednagar for it's disposal according to law.
- (iii) The respondent is directed to appear before the learned Family Court, Ahmednagar on or before 1st March, 2023.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)