

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

**978 MISC.CIVIL APPLICATION NO.23 OF 2023**

AYESHA PARVEEN MOHAMMAD JUBER MOHAMMED ANEES  
VERSUS  
MOHAMMAD JUBER ABDUL RAUF

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Mr. Abid R. Shaikh, Advocate for the applicant.

Mr. Ashish Rajkar, Advocate for the respondent.

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**CORAM : SANDIPKUMAR C. MORE, J.**

**DATED : 08.06.2023.**

**ORDER:-**

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of RCS No. 52/2022 filed by respondent- husband for getting divorce, from the Court of Civil Judge (Junior Division), Motala, District Buldana to the Family Court, Aurangabad.
3. According to the applicant-wife, she is not having any independent source of income and she is having one daughter aged about 3 years to look after. Moreover, she has also filed proceedings under Section 125 of Cr.P.C. in the Family Court, Aurangabad, wherein the respondent – husband has already appeared.
4. The learned counsel for the respondent- husband strongly opposed the application by filing an affidavit in reply filed on the ground that the applicant – wife has filed this application only for harassing him. He pointed out that the respondent husband is working as driver and not possessing sufficient means. According to him, if the aforesaid petition is transferred from Buldana to Aurangabad, then the respondent will face financial difficulties.

5. However, in the recent view this Court has observed that when there are different proceedings between the same parties are going on at different places, then it would be advisable to decide such proceedings by one and the same Court. It is important to note that the respondent has already appeared before the learned Family Court, Aurangabad in the proceeding filed by applicant wife for getting maintenance. Further, there is nothing to show that the respondent husband, on his own, has provided any financial assistance to the applicant and her daughter. As such, considering the convenience of applicant, following order is passed.

**ORDER**

- (i) The application is hereby allowed.
- (ii) R.C.S. No. 52/2022 pending in the court of Civil Judge (J.D.) Motala, District Buldana is transferred to the Family Court, Aurangabad for its simultaneous disposal alongwith the petition filed by the applicant-wife pending therein, according to law.
- (iii) The respondent is directed to appear before the Family Court, Aurangabad on or before 3<sup>rd</sup> July 2023.
- (iv) The application is disposed of accordingly.

**(SANDIPKUMAR C. MORE, J.)**