



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (TR.) NO.262 OF 2022

Mrs. Shweta w/o Nilesh Parakh
(Vs.)

Nilesh s/o Nandlal Parakh

WITH

MISC. CIVIL APPLICATION (TR.) NO.732 OF 2024

Mrs. Shweta w/o Nilesh Parakh
(Vs.)

Nilesh s/o Nandlal Parakh

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R.S. Akbani, Advocate for the applicant.

Mr. Rohit P. Dixit, Advocate for the non-applicant.

CORAM : G.A. SANAP, J.

DATE : 23.08.2024

Misc. Application No.262/2022 is filed for transfer of H.M. Petition No.74/2021 from the file of 3rd Joint Civil Judge, Senior Division, Sangamner District Ahmednagar to the Court of Family Court at Nagpur and Misc. Application is filed for transfer of Misc. Criminal Application No.570/2019 from the file of 18th Joint Civil Judge Senior Division and A.C.J.M., Nagpur to the Family Court at Nagpur.

2. Heard learned Advocate for the applicant

and learned Advocate for the non-applicant.

3. The proceeding filed by the applicant under Section 125 of the Cr.P.C. is pending before the Family Court at Nagpur. The applicant, with six years old son, is residing with her parents at Nagpur. The D.V. Act proceeding is pending in the Court of Magistrate at Nagpur. The divorce petition filed by the non-applicant is pending before the Court Civil Judge Senior Division Sangamner, District Ahmednagar. The proceeding filed under Section 125 of the Cr.P.C. is contested by the non-applicant. The pleadings, as can be seen from the record, are more or less similar. It is stated that the applicant is finding it very difficult to attend the proceeding filed by the husband in the Court at Sangamner. It is submitted that for proper adjudication of all the proceedings in one round of litigation and to avoid the repetition of the same evidence in all the proceedings, it is necessary to bring all the proceedings under one roof.

4. In my view, considering the rival contentions and the fact that the non-applicant, in any case, would be required to attend the proceeding under Section 125 of the Cr.P.C. in the Family Court at Nagpur, it would

be in the interest of both the parties to grant the prayer made in these two applications filed by the applicants. Accordingly, the applications deserve to be allowed. Hence, the following order:-

ORDER

- i) The applications are allowed.
- ii) Hindu Marriage Petition No.74/2021 pending on the file of 3rd Joint Civil Judge, Senior Division, Sangamner, District Ahmednagar be transferred to the Family Court at Nagpur.
- iii) Misc. Criminal Application No.570/2019 pending on the file of 18th Joint Civil Judge, Senior Division and A.C.J.M., Nagpur be transferred to Family Court at Nagpur.
- iv) It is made clear that as far as possible all the matters be tagged and disposed of on the basis of the common evidence.
- iii) The applications stand disposed of in the aforesaid terms. No order as to costs.

JUDGE