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906-APPLN-705-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CRIMINAL APPLICATION NO. 705 OF 2025

Sashank Nagsen Pawar

VERSUS

Shital Sashank Pawar

WITH

MISC.CIVIL APPLICATION NO. 32 OF 2024

...

Mr. Nikhilesh K. Tungar, Advocate for Applicant.

Mr. P. K. Agrawal, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 29th JULY 2025.

PC :-

1. Both these matters are clubbed together under the orders of the Senior Judge At Aurangabad and, therefore, both the applications are taken up together.

2. Both the application are filed by the Husband. Criminal Application No.705 of 2025 is filed seeking transfer of proceeding bearing PWDVA No. 61 of 2023 pending before the learned JMFC,

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Paithan filed by the wife, to the Court at Thane. Civil Misc. Application No.32 of 2024 is filed seeking transfer of Hindu Marriage Petition No. 470/2023 pending before the learned Civil Judge Senior Division, Aurangabad filed by the wife, is also sought to be transferred to learned Family Court, Thane.

3. It is the case of the husband that the parties resided at Thane for some time, and therefore, it is the Thane Court which has the jurisdiction. The petitioner has already filed one Marriage Petition No.A-417/2023 which is pending in the Court of learned Judge, Family Court at Thane. It is the case of the husband that he is working at Thane. It is difficult for him to attend the Court at Aurangabad and Paithan. Further to avoid contradictory finding in HMP No.470 of 2023 i.e. for restitution of conjugal rights and Marriage Petition No.A-417/2023 pending before the Family Court at Thane for divorce, it is necessary that both the cases are tried by the same Court.

4. Heard the parties.

5. Presently the wife is residing in Satara Parisar at Aurangabad. Considering this factor, it would be in the interest of justice that all the cases are tried at Aurangabad. Considering above, following order:-

ORDER

(i) Marriage Petition No.A-417/2023 presently pending before the learned Judge, Family Court at Thane be transferred to the Court at learned Civil Judge Senior Division, Aurangabad and be tried alongwith Hindu Marriage Petition No.A-470/2023.

(ii) The proceeding of PWDVA No. 61 of 2023 presently pending before the learned JMFC, Paithan, be transferred to the Court of learned JMFC, Aurangabad.

(iii) As far as possible, the learned JMFC shall give same dates given in the proceeding before the learned CJSD, Aurangabad to avoid inconvenience to the parties.

(iv) After transferring the proceeding, the wife shall not seeks any

unnecessary adjournment. If the court comes to the conclusion that the wife asking unnecessary adjournments, the court may pass suitable order compensating the husband, if he personally remains present.

(v) If the applicant-husband makes a request to attend the Court through Video Conferencing, such request shall be considered liberally by the Courts.

(vi) The Court shall make endeavour to dispose of the proceeding as early as possible and preferably within one year from today.

(vii) With this, both the applications stand disposed off.

[KISHORE C. SANT, J.]