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959-MCA-100-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 MISC.CIVIL APPLICATION NO. 100 OF 2025

Sau Neha Vishwas Makwani

VERSUS

Vishwas Vijay Makwani

...

Mr. Ambar S. Barlota, Advocate for Applicant.

None for the respondent.

CORAM : KISHORE C. SANT, J.

DATE : 3rd OCTOBER 2025.

PC :-

1. In spite of service, none appears for the respondent.
2. Heard the learned Advocate for the applicant.
3. This application is filed by the applicant-wife seeking transfer of matrimonial proceedings bearing Petition No. A 871 of 2024 from the Court of learned Judge, Family Court, Pune to the Court of learned Judge, Family Court at Ahmednagar.
4. Learned Advocate for the applicant submits that the wife has already instituted the proceeding under Section 9 of the Hindu Marriage

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Act, seeking restitution of conjugal rights before the Family Court at Ahmenagar. It is thereafter four months, the respondent-husband filed proceeding a petition for divorce in the Family Court at Pune.

5. The learned Advocate for the Applicant submits that since both the proceeding involve conflicting reliefs, it would be in the interest of justice, both the proceedings be tried together by the same Court to avoid conflicting the judgments. This Court is therefore inclined to allow the application. Hence, the following order:

ORDER

- (i) Misc. Civil Application stands allowed.
- (ii) The proceeding of Petition No. A 871 of 2024 from the Court of learned Judge, Family Court, Pune stands transferred to the Court of learned Judge, Family Court at Ahmednagar.
- (iii) After transfer of the proceeding, the applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-

husband, if he personally remains present.

(iv) Whenever request is made by the respondent-husband seeking permission to appear through video conferencing, the same shall be considered liberally.

(v) With this, Misc. Civil Application stands disposed off.

[KISHORE C. SANT, J.]