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904-CA-11307-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CIVIL APPLICATION NO. 11307 OF 2025
IN MCA/264/2024

Shilpa Nikhl Sharma
VERSUS
Nikhil Kailash Sharma

...

Ms. Rani Prakash Bharuka Bora, Advocate for Applicant.

Mr. Madhav Jadhav h/f Mr. P. P. Uttarwar, Advocate for respondent.

CORAM : KISHORE C. SANT, J.

DATE : 17th OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed seeking modification in the order passed by this Court dated 18th February 2025 passed in Misc. Civil Application No. 264 of 2024. This Court, in the said order, had allowed the application in terms of prayer clause (B) of the application, which reads as under:

“b. That by issuing writ order or direction under Article 227 of Constitution of India as well as u/sec.24 of Civil Procedure

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Code, Petition No.D-3/2023 – Nikhil Kailash Sharma V/s Shilpa Nikhil Sharma pending before the Family Court at Nanded, may kindly be transferred to the court of learned Civil Judge Senior Division, Barshi, Dist. Solapur.”

3. After transfer of the proceeding, it was realized that since the matter was under the provisions of Guardians and Wards Act, 1890, it was required to be transferred to the Court of learned District Judge-1 and Additional Sessions Judge, Barshi.

4. It is further pointed out that one Application filed by the wife is already pending in the Court of learned District Judge, Barshi, bearing Civil Misc. Application No. 49/2022. In view of Section 14(1), it is required that the said proceedings be decided by the same Court.

5. This Court, therefore, finds that the application can be allowed by modifying the order dated 18th February 2025.

6. In view of this modification, the matter which is already transferred to the Court of learned Civil Judge, Senior Division, Barshi be transferred to the Court of learned District Court-1 and Additional

Sessions Judge, Barshi Dist. Solapur.

7. The same be tried alongwith Civil Misc. Application No.49/2022 which is already pending before the learned District Judge, Barshi.

8. With this, civil application stands disposed off.

[KISHORE C. SANT, J.]