



(1)

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

922 CRIMINAL APPLICATION NO. 4329 OF 2025

ATIF ANSARI AZEEM ANSARI AND OTHERS

VERSUS

NASHRA SIDDIQUI ATIF ANSARI

.....

Mr Kshitij Surve, Advocate for Applicants

Mr Fatema Kazi, Advocate for Respondent

.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 24 DECEMBER 2025

P. C. :

1. Heard learned Advocate Mr Surve for applicants and Ms Fatema Kazi for respondent.

2. According to Mr Surve, respondent/wife has filed PWDV Application No.49/2024 against the applicants before the learned Judicial Magistrate First Class, Aurangabad. The said matter is now for recording of evidence of respondent/wife. Respondent/wife has also filed Petition under Section 125 of the Code of Criminal Procedure before the learned Family Court, Aurangabad vide Petition No.E-264/2023 for maintenance. The petitioners through this petition are praying for clubbing both these matters together and transferring the same to one Court since both the proceedings are pending before

(2)

the different Courts. According to him, it would be convenient to both the parties as well as the Court to adjudicate both the matters appropriately. In both the matters, respondent/wife has prayed for maintenance from the petitioners. So it would be appropriate for the petitioners to give their evidence in accordance with their rights to defend. Mr Surve relief upon the judgment of this Court in the matter of **Vijay Suryakant Kakade Vs. Anushka Vijay Kakade and others**, (Misc. Civil Application No.498/2022, dated 02/02/2023) wherein this Court, in identical situation, had clubbed both the matters and transferred the same to one Court.

3. Per contra, learned Advocate Ms Kazi strongly opposes the prayer for transfer of matters. She submits that the petitioners are not paying the maintenance and they may be directed to pay arrears first. She further submits that the matter from the Family Court under Section 125 of the Code of Criminal Procedure be transferred to the learned Judicial Magistrate First Class, Aurangabad where the PWDVA proceedings is pending. She, thus, strongly opposes the clubbing of both the matters.

4. Mr Surve submits that as regards 50% amount of arrears of maintenance the applicants shall deposit the said amount before the

(3)

learned Family Court till 29/12/2025 and remaining amount shall be deposited in the installments.

5. After hearing both the parties, it appears that the submissions made by learned Advocate Mr Surve for the applicants assume significance, for the reasons that both the matters are pending before the different Courts for granting maintenance to wife. If both the matters are clubbed and transferred to one Court, the same shall be convenient to the parties as well as for the Court to adjudicate the same.

6. In view of the above, the matter pending before the Judicial Magistrate First Class, Aurangabad in respect of PWDVA Act bearing PWDV Application No.49/2024 is hereby directed to transfer to the learned Family Court, Aurangabad.

7. This application is allowed.

8. It is further made clear that since both the proceedings are in respect of grant of maintenance, common evidence be directed to be recorded.

(4)

9. The applicants shall deposit 50% amount of arrears of maintenance before the learned Family Court till 29/12/2025 and remaining amount shall be deposited in the installments.

[SUSHIL M. GHODESWAR, J.]

sjk