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

8 MISC.CIVIL APPLICATION NO. 381 OF 2024

MANISHA W/O GOVIND SURYA

....Applicant

VERSUS

GOVIND S/O NARAYAN SURYA

.....Respondent

Mr. Avinash Hande, Advocate for the applicant
Mr. D. K. Dagadkhair, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 05th MARCH, 2025

P. C.

1. Heard the parties.
2. This application is for transfer of HMP No. 172/2023 filed by the respondent-husband from the court of learned CJSD, Pusa to the court of learned Family Court, Nanded.
3. It is submitted that the wife has already filed a petition for dissolution of marriage. The proceeding which is sought to be transferred is filed by the husband subsequently for restitution of conjugal rights.

4. The learned advocate for applicant thus submits that it would be appropriate in the interest of justice that both the proceedings are decided by the same court.

5. The learned advocate for the respondent opposed the application stating that now the proceeding is at the stage of evidence. The wife has appeared in the said proceeding.

4. However, considering that one proceeding is for dissolution of marriage and another is for restitution of conjugal rights, it would be appropriate that both the proceedings are decided by the same court. In view of the same, application is allowed in terms of prayer clause-B. After transfer of the proceeding, the wife shall not seek unnecessary adjournment. If unnecessarily adjournment is sought, the court may pass appropriate order compensating respondent. The trial court to decide both the proceedings as early as possible and preferably by the end of 31-12-2025.

[KISHORE C. SANT, J.]