

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

MISC. CIVIL APPLICATION NO. 79 OF 2014

Mrs. Sapna Sachin Shinde,
Age: 25 years, Occ: Household,
R/o. C/o. Ramdas Namdeo Jadhav,
Matoshrinagar, Jeur Patoda,
Kopargaon, Tq. Kopargan,
Dist. Ahmednagar.

...Applicant

versus

Mr. Sachin Ashok Shinde,
Age: 34 years, Occ: Service,
R/o. House No. 686, Gangadwadi,
Shantabai Chawl, Old Ghas Bazar,
Raviwar Karanja, Nashik-1.

...Respondent

.....
Mr. Abhijeet A. Pimpalwadkar, Advocate for applicant.
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CORAM : N.W. SAMBRE, J.

DATED : 22ND JANUARY, 2015

PER COURT :

. Present application is by applicant-wife, seeking transfer of proceedings in Hindu Marriage Petition No. 69 of 2014 filed by non-applicant-husband, to the Court of Civil Judge, Senior Division, Kopargaon from Family Court, Nashik.

2. It is urged by learned Counsel for the applicant that criminal proceedings bearing R.T.C. No. 247 of 2013 for the offence

punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code is pending in the Court of Judicial Magistrate, First Class, Kopergaon and non-applicant herein is regularly attending the said proceedings.

3. This Court ordered notice on 22/07/2014 and admitted the present application on 16/09/2014 and stayed the proceedings before learned Family Court, Nashik, as non-applicant husband has failed to appear before this Court.

4. It is settled law that convenience of the wife is required to be taken in the matter of deciding application for transfer.

5. As non-applicant husband has not appeared and controverted the pleadings, in my opinion, it will be appropriate that the present application needs to be granted.

6. In view of above, present application stands allowed. It is ordered that H. M. P. No. 69/2014 pending on the file of Family Court, Nasik be transferred to the file of Civil Judge, Senior Division, Kopergaon.

[N.W. SAMBRE, J.]