

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.243 OF 2015

Akbar Ali Shaikh & Ors. ..Applicants
V/s.
Meenaz Mohammed Arshad Shaikh & Anr. .. Respondents

Mr.Pankaj Pandey, for the applicant/appellant.
Mrs.Anamika Malhotra, APP for the Respondent-State.
Mr.Prashant Dalvi, for respondent no.1.

**CORAM : A. R. JOSHI, J.
DATE : 29th OCTOBER, 2015.**

P.C.

1. Hear rival submissions on this application for transfer. Present application preferred by the original respondents in the matter of proceeding filed under Domestic Violence Act, 2005 before JMFC, Sinnar, Dist-Nashik. Transfer of the said proceeding is sought on the ground of ill health of the applicant nos.1 and 2. It is submitted that the applicant nos.1 and 2 are patients of heart disease and applicant no.3 is college going young man. Apart from this ground there is nothing to see that there is legal necessity to transfer the proceeding from Dist-Nashik to Dist-Thane. Reportedly the proceeding under Domestic Violence Act is at the stage of

recording of evidence and affidavit in lieu of examination-in-chief of then applicant the present respondent no.1 is already filed and she is required to be cross-examined on behalf of the present applicants then opponents.

2. Considering the above factual position and still considering the apparent ill health of the applicant nos.1 and 2 in the opinion of this Court these are not the grounds requiring transfer of the proceeding from Dist-Nashik to Dist-Thane. So far as the attendance before the concerned Court at Sinnar, Dist-Nashik is concerned, the learned trial Court shall appropriately deal with any application for exemption which may be filed by the applicant asking for exemption from their personal appearance on ill health or other appropriate ground. Any such relief can be granted by the trial Court considering the progress of the case. As such with these observations the present application is disposed of as not allowed. The trial Court shall take all the measures to disposed of the pending petition as expeditiously as possible and allowing the exemption for the applicants if such dire need arise.

Accordingly present matter is disposed of.

3. Parties to act on authenticated copy of this order.

4. The intimation be given to the concerned trial Court immediately by fax.

(A. R. JOSHI, J)