

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

MISCELLANEOUS CIVIL APPLICATION NO.150 OF 2014

Smt. Kajal Sagar Jadhav Applicant

Vs.

Mr. Sagar Balaji Jadhav Respondent

Mr. V.K. Jagdale h/for Mr. Shailesh Chavan, Advocate for the Applicant.
None for the Respondent.

Coram : Smt. R.P. SondurBaldota, J.

Date : 4th March, 2015.

P.C.

1 This application filed under Section 24 of Code of Civil Procedure is for transfer of M.J. Petition No.1375 of 2013 filed by the respondent in the Family Court, Bandra, Mumbai to the Court of Civil Judge, Senior Division, Kopargaon, District Ahmednagar. The notice of the application has been served upon the respondent, who is absent, despite service.

2 The marriage of the parties was solemnised on 18th November, 2005 at Kopargaon. After the marriage, both started residing at Mumbai. They have a son aged about 7 years, whose

custody is with the applicant. It is the allegation of the applicant that she was driven out of the house by the respondent in the month of January, 2013 and since then she is residing with her parents at Kopargaon. It appears that the applicant has filed proceedings for maintenance under Section 125 Code of Criminal Procedure bearing No.127 of 2013 on 22nd March, 2013 and proceedings under Domestic Violence Act bearing No.153 of 2013 on 5th April, 2013 at Kopargaon. She has also filed Complaint under Sections 498-A, 323, 504, 506, 406, 376(a), 377, 384 of Indian Penal Code and Section 67 of I.T. Act against the respondent with M.H.B. Colony Police Station, Mumbai. According to the applicant, it is difficult for her to travel the distance of more than 300 kms. from Kopargaon to Bandra, Mumbai for attending to each date of the matter. She also needs to look after the son. Considering these facts as well as the nature of the allegations made against the respondent in the complaint with Police, in my opinion, it would be in the interest of justice that the proceedings are to be transferred to the Court of Civil Judge, Senior Division, Kopargaon. Hence, the application is allowed in terms of prayer clause (a).

(Smt. R.P. SondurBaldota, J.)