

(1)

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

MISC. CIVIL APPLICATION NO. 148 OF 2016

Jyoti w/o Lalit Bagul,
Age: 27, Occ: Housewife,
C/o Sri. Madan Trimbak Chaudhari,
R/o. Juna Sakri Naka, Bagwan Galli,
Nandurbar. ..APPLICANT

VERSUS

Lalit Shaligram Bagul,
Age: 34 years, Occ: Service,
R/o. 501, Balaji Residency, 5th
Floor, Lane No.5, Shitole Chowk,
Madhuban Colony, Old Sangvi,
Tq. Haveli, Dist. Pune ..RESPONDENT

Mr A.N. Sabnis, Advocate h/f Mr S.B. Rajebhosale,
Advocate for applicant;
Mr M.H. Patil, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th JULY, 2017

ORAL ORDER :

The prayer for transfer is opposed on the ground that the respondent initially initiated the complaint and Hindu Marriage Petition No.297 of 2016.

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2. Learned Counsel for the respondent submits that there are threats to the life of respondent and the matter is already reported to the police authorities. He submits that the matter can be transferred to the Court at Dhule, which is convenient for both the parties.

3. From rival submissions, it is to be noted that already proceedings for maintenance are decided against present respondent, against which the execution proceedings are pending against him in the Court at Nandurbar. In addition, proceedings under Protection of Women from Domestic Violence Act and under Section 9 of the Hindu Marriage Act for restitution of conjugal rights are already pending in the Court at Nandurbar, in which, the respondent has given his appearance.

4. It is only in this Court that the respondent has raised plea of alleged threats. The respondent has not taken out any proceedings seeking transfer of the proceedings from Nandurbar

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Court to Dhule on the issue of alleged threats.

5. In view thereof, the claim of respondent that the proceedings be transferred at Dhule is liable to be rejected considering the pendency of other proceedings at Nandurbar. Considering the hardship and convenience of the applicant, it will be appropriate, in my opinion, the application needs to be allowed in terms of prayer clause (B).

6. Misc. Civil Application stands allowed in above terms.

(N.W. SAMBRE, J.)

Tupe