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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 148 of 2017

Komal W/o Nilesh Santashe,
age 22 years occupation nil
C/o Kavita Harischandra Ghodke,
age Nimblak Taluka Ahmednagar Dist. Ahmednagar.

...APPLICANT

VERSUS

Nilesh s/o Diliprao Santashe,
age 33 years occupation service
R/o Kundlik Nagar, Galli/lane No. 5,
infront of Shivaji Maharaj Putala, Aurangabad.

...RESPONDENTS

Mr Rahul B. Temak, Advocate for applicant
Mr D.P. Palodkar, Advocate for respondent sole

CORAM : NITIN W. SAMBRE, J.

DATE : 8th November, 2017

ORAL ORDER :

The transfer is sought of the proceedings being Hindu Marriage Petition No. A-290 of 2017 from the Family Court, Aurangabad, to the Court of Civil Judge (Senior Division), Ahemadnagar, on the grounds :(a) that proceedings under the Protection of Women from Domestic Violence Act is pending against

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non-applicant in the Court at Ahemadnagar; (b) that applicant, who is supported by her widowed mother, has no other family member to take her care and it is difficult for her to attend the proceedings at Aurangabad; and (c) since the non-applicant is Police Constable there is threat to her life.

2. In response to the above, the learned Counsel for the non-applicant showed his willingness that the non-applicant is ready to go for mediation and the applicant, according to him, has not attended mediation proceedings. In addition, he submits that he shall bear expenses of Rs. 1500/- (Rs. one thousand five hundred only) per date, provided the applicant attends the proceedings at Aurangabad, which will be towards her travel and out of pocket expenses.

3. Considered rival submissions. In my opinion, having regard to the distance between the two cities and better connectivity and conveyance facility available and also the fact that non-applicant is ready and willing to pay charges towards expenses to be incurred by the applicant for travelling and defending proceedings, it will be appropriate, in my opinion, to reject the prayer for transfer of the proceedings.

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4. However, the non-applicant shall deposit amount of Rs. 3000/- (Rs. Three thousand only), within a period of four weeks from today, before the Family Court, Aurangabad, out of which, on each date when applicant attends the proceedings, the Court shall handover payment of Rs. 1500/- (Rs. One thousand five hundred only) out of same to the applicant.

5. Undertaking by the non-applicant that he shall continue to deposit amount of Rs. 1500/- (Rs. One thousand five hundred only) thereafter on each date, is accepted.

(NITIN W. SAMBRE, J.)

pjm