

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION [MCA] NO.26 OF 2017

(Mrs. Kiran Sachin Pawar
 vs.
 Sachin Harishchandra Pawar)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri Barun Kumar, Advocate for the Applicant.
 Shri J.H. Kothari, Advocate for the Non-Applicant.

CORAM : P.N. DESHMUKH, J.
DATE : 23rd NOVEMBER, 2017.

Heard the learned Counsel for the parties.

Prayer in this application is to transfer
 Application No.219/2016 filed by the non-applicant
 under Section 9 of the Hindu Marriage Act pending
 before the Family Court, Aurangabad to the Court of
 Civil Judge Senior Division, Akola.

During the course of arguments, learned
 Counsel for both the sides had admitted that the
 applicant had initiated proceedings under Section 125
 of the Code of Criminal Procedure as well as under the
 provisions of the Protection of Women from Domestic
 Violence Act, 2005 and also under Section 498 of the
 Indian Penal Code against the non-applicant, and are
 all pending before the competent Court at Patur,
 which is at the distance of 30 kms from Akola. It is
 further not disputed that the non-applicant is served

with the notices in aforesaid proceedings and is attending the same.

Having considering the above admitted facts, they themselves are found to be convenient to both sides inasmuch as, if the proceedings initiated by the non-applicant, pending on the file of Family Court, Aurangabad are transferred to the Court of Civil Judge Senior Division, Akola, as the non-applicant is even otherwise required to attend other proceedings initiated by the applicant-wife against him by attending the Court at Partur, which is at a distance of 30 kms. from Akola, the non-applicant can conveniently attend the Court at Akola after attending the Court at Patur.

In view of the facts, as aforesaid, the application is disposed of by passing a suitable order as follows :

- I. Civil Application No.26/2017 is disposed of as allowed.
- II. Application No.219/2016 filed by the non-applicant pending on the file of Family Court, Aurangabad stands transferred on the file of Civil Judge Senior Division, Akola.
- III. The learned Court, who is ceased with

applications bearing M.C.A. No.113/2016 under Section 125 of the Code of Criminal Procedure, Criminal Application No.09/2016 under the Protection of Women from Domestic Violence Act and R.C.C. No.138/2016 under Sections 498-A & 323 of the Indian Penal Code, shall as far as possible fix the date in above said proceedings on the same day on which the proceedings initiated by the non-applicant by filing application under Section 9 of the Hindu Marriage Act are pending before the Court of Civil Judge Senior Division, Akola.

IV. Further the learned Court of Civil Judge Senior Division Akola shall as far as possible fix hearing in the application filed by the non-applicant for restitution of conjugal right in the second half of the working day so that the non-applicant in the first session can attend the proceedings before the Court at Patur.

V. Civil application is disposed of in the above terms with no order as to costs.

JUDGE