

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Misc. Civil Application No.196/2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr. Vaibhav V. Ugle for the Applicant

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 6, 2019

P.C.

1 Heard. By this Application under section 24 of the Code of Civil Procedure, 1908 the Applicant husband is seeking transfer of M.A.No.125/2017 filed by the Respondent wife before the learned Judicial Magistrate, First Class, Ghansangvi, Dist. Jalna under the Protection of Women from Domestic Violence Act, 2005 to Judicial Magistrate, First Class, Pune for hearing and final disposal on merits.

2 The learned counsel for the Applicant submits that in the present proceedings the Applicant has filed divorce petition u/s.13(1)(ia) of the Hindu Marriage Act, 1955 before the Civil Judge, Senior Division Pune on

02.01.2017 and same is pending. He submits that in the present proceedings at Pune in HMP No.63/2017 the Respondent wife has filed pursis dated 22.10.2017 stating that at present she is residing at Pune. He submits that as the Respondent is residing at Pune, the matter filed by her at Ghansangvi be transferred to Pune.

3 The learned counsel for the Applicant submits that the Respondent has filed M.A.No.125/2017 at Ghansangvi, Dist. Jalna on 12.09.2017 as a counter blast to the divorce petition filed by the Applicant. He submits that it is very difficult for the Applicant to attend the matter at Ghansangvi on each and every date. Hence, the matter filed by the wife at Ghansangvi be transferred to Pune for hearing.

4 It is to be noted that in the present proceedings the Respondent wife has filed Affidavit in Reply dated 28.10.2018, specifically stating that she is residing at Ghansangvi at her father's house. In support of her contention, she has placed on record a photocopy of her AADHAR Card bearing No.576952173107. This

itself shows that the Respondent is staying at Ghansangvi. Moreover, the Respondent, in her application in the proceeding under Protection of Women from Domestic Violence Act, 2005 has specifically stated that she is residing at Ghansangvi Dist. Jalna.

5 Bare reading of the pursis dated 22.08.2017 filed by the Respondent wife before the Pune court clearly shows that at that time she was staying at Pune.

6 Considering all these facts, I do not find any reason to transfer M.A.No.125/2017 filed by the Respondent wife before the JMFC Ghansangvi, Dist. Jalna to Pune.

7 Hence, the Misc. Civil Application stands rejected.

8 No order as to costs.

(K.K.TATED, J.)