

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

MISCELLANEOUS CIVIL APPLICATION NO. 249 OF 2018

Ashwini Raju Khandare	... Applicant
Versus	
Raju @ Ranuling Balasaheb Khandare	... Respondent

.....
Mr. Harshad M. Inamdar for the Applicant.
.....

CORAM : SANDEEP K. SHINDE, J.
DATE : 21st JANUARY, 2019.

P. C.:

1. Heard learned Counsel for the applicant. The respondent is absent though served.
2. The applicant seeks transfer of proceedings in Hindu Marriage Petition No. 91 of 2018 pending on the file of Civil Judge, Senior Division, Pandharpur to the Court of Civil Judge, Senior Division, Barshi District Solapur, filed by the respondent-husband for dissolution of marriage which was solemnised on 17th December, 2014 at Kalmala, District Solapur.
3. It is the applicant's case that the respondent is practicing Advocate and after receiving the summons in the aforesaid H.M.P. proceedings, no lawyer from the Pandharpur Bar was willing to accept her Vakilpatra. The applicant thus reported this

fact to the District Court in August, 2018. A copy of it is at page No.12 of this application. It is further pointed out that the applicant has filed complaint against her husband under Section 498-A of the Indian Penal Code and the charge-sheet has been filed against him in the Court at Barshi. It is pointed out that the charge has been framed in the said criminal case. It may be stated that the applicant is an Executive Engineer, working with the Public Works Division, State of Maharashtra. The respondent has chosen not to contest this application though he was served by the Bailiff, as evident from the Bailiff's report. It is applicant's case that respondent, who is practicing Advocate at Pandharpur, had threatened the applicant for having filed the complaint against him under Section 498-A of IPC and thus she had also filed a complaint with the Police. These allegations are not denied by the respondent as he has chosen not to contest the present proceedings. That, even otherwise the respondent is required to attend pending criminal case against him wherein he is facing the charge of an offence punishable under Section 498 at the Sessions Court, Barshi. The distance between Pandharpur and Barshi is not more than 80 kms. Thus, considering the fact of the case in hand and for the reasons stated herein, the application requires consideration. Hence the following order :

ORDER

- (i) The proceedings in Hindu Marriage Petition No. 91 of 2018 pending on the file of Civil Judge, Senior Division, Pandharpur are hereby directed to be transferred to the Court of Civil Judge, Senior Division, Barshi, District Solapur.
- (ii) The application is disposed of.

(SANDEEP K. SHINDE, J.)