

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

32 MISC.CIVIL APPLICATION NO.21 OF 2021

ANJALI PANKAJ BORSE @ ANJALI BHAGWAN PATIL
VERSUS
PANKAJ RAJARAM BORSE

...
Advocate for Applicant : Mr. Arun Shejwal
Advocate for Respondents : Mr. V. T. Patil
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CORAM : AVINASH G. GHAROTE, J.
DATED : 19th JULY, 2021.

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PER COURT :

1. The applicant-wife has filed this proceeding for transferring the pending execution proceedings, before the Family Court at Bandra to Aurangabad, where she is residing with the minor son. The only objection by the learned counsel for the non-applicant is that the son is not made a party to the proceedings.

2. Admittedly the son is minor. In the proceedings under Section 13(B) of the HMP Act, petition No. 2999 of 2017 filed by the present applicant at the Family Court No.4, Bandra, Mumbai, a decree of divorce by mutual consent, was passed, in which the non-applicant had agreed to pay Rs.8,000/- per month as maintenance for the applicant and for the minor child, on non-

payment of which, recovery proceedings were initiated as RD No.98 of 2020 (earlier RD (stamp) No. L-459 of 2020). the ground given, is without any substance whatsoever. It is not disputed that the applicant is residing along with minor son at Aurangabad and therefore, would be in a better position, to prosecute proceedings here. The application is therefore allowed and RD No. 98 of 2020 pending on the file of Family Court No.4 at Bandra, Mumbai is transferred to Family Court Aurangabad.

3. The Family Court No.4, Bandra is requested to transmit the record of the above proceedings to the Family Court at Aurangabad as early as possible.

4. The parties shall appear before the Family Court Aurangabad on 17/08/2021, prior to which the transmission of the record should be ensured.

5. Accordingly, the application is disposed of.

(AVINASH G. GHAROTE, J.)

vsm/-