

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

975 MISC.CIVIL APPLICATION NO.92 OF 2020

**ARATI SUMIT JANTRE
VERSUS
SUMIT SUNIL JANTRE**

Smt. Sunita G. Sonawane, Advocate for the applicant
Shri. B. A. Shinde, Advocate for the respondent

CORAM : M. G. SEWLIKAR, J.

DATED : 20th August, 2021

PER COURT :-

1. By this application applicant is seeking transfer of Hindu Marriage Petition No. 1271 of 2019 pending before the Civil Judge Senior Division, Pune to Civil Judge Senior Division, Ahmednagar. According to the applicant, she and the respondent got married on 12th December, 2018. She is residing at Ahmednagar. Being a lady, it is difficult to for her to go to Pune on each and every date. She has further stated that on the basis of her complaint, charge-sheet has been filed under Section 498-A of the Indian Penal Code before the concerned Court at Ahmednagar. Therefore, respondent will have to attend those proceedings at Ahmednagar.

2. Respondent resisted this petition.
3. Heard both the counsel. Shri. Shinde, learned counsel for the respondent states that petitioner is running a Mess. There is no one to look after his absence. If the petition is transferred to Ahmednagar virtually he will have to close down his business for one day. He, therefore, prays for dismissal of the petition. He further states that he is ready to pay traveling allowance to the applicant to attend the proceedings at Pune.
4. Learned counsel Smt. Sonawane on instructions states that charge-sheet has been filed under Section 498-A of the Indian Penal Code before the concerned Court.
5. Even if petition is not transferred from Pune to Ahmednagar, petitioner will be required to attend the Court at Ahmednagar as criminal case under Section 498-A of the Indian Penal Code is pending there. Therefore, in the fitness of things, it will be expedient if H.M.P. No. 1271 of 2019 is transferred from Pune to Ahmednagar. Learned counsel Shri.

Shinde submits that as far as possible both the courts shall be directed to keep both the matters on the same day. So that he will not be required to attend the proceedings on two different dates. In view of this following order is passed.

ORDER

- (i) Petition is allowed.
- (ii) H.M.P. No. 1271 of 2019 is withdrawn from the Court of Civil Judge Senior Division, Pune and is transferred to the Family Court, Ahmednagar for disposal according to law.
- (iii) As far as possible Family Court and the concerned Court before whom R.C.C. No. 817 of 2020 is pending shall fix these cases on the same day.
- (iv) Petition is disposed of.

[M. G. SEWLIKAR, J.]

ssp