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

MISC. CIVIL APPLICATION NO. 42 OF 2021

TRUPTALI GAURAV JAUNJAL

....APPLICANT

V/s.

GAURAV SANJAY JAUNJAL

.....RESPONDENT

Mr. Manoj K. Gupte for the applicant
None for respondent

CORAM : NITIN W. SAMBRE, J.

DATE: AUGUST 25, 2021.

P.C.:

1] Though served, none appears for the applicant. Since this Court is exercising powers under section 24 of the Code of Civil Procedure, 1908, petitioner has not pressed his relief for transferring the investigation in CR number 280 of 2020 registered at the behest of applicant for offence punishable under section 498A, 323, 506 r/w 34 of the Indian Penal Code. Keeping the option of the petitioner to seek transfer of the said criminal investigation under appropriate provisions of Code of Criminal Procedure, 1973 open, this court intends to proceed with the prayer of transfer of proceedings being HMP number 258 of 2020 initiated under section 9 of the Hindu Marriage Act for restitution of conjugal rights from the file of Civil

Judge Senior Division Baramati to the court of Civil Judge Senior Division, Kolhapur.

2] Though served, contentions raised in the application are not controverted by the non applicant.

3] Applicant claims to be custodian of a child and is presently residing with her father. It is informed that other proceedings initiated by the applicant are already pending at Kolhapur which are attended by non applicant.

4] In that view of the matter, Marriage Petition No. 258/2020 is ordered to be transferred from the file of Civil Judge Senior Division, Baramati to the Court of Civil Judge Senior Division, Kolhapur.

5] Application stands partly allowed in the above terms.

[NITIN W. SAMBRE, J.]