

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

MISC.CIVIL APPLICATION NO.135 OF 2022

**RAJESH VIJAY JANGAM AND ANOTHER
VERSUS
MEGHA RAJESH JANGAM**

...
Advocate for Applicants : Mr. Anant R Devakate

...
**CORAM : MANGESH S. PATIL, J.
DATED : 19 JULY 2022**

PER COURT :

Heard.

2. The respondent has been served with a notice for final disposal, but has not appeared.
3. Consequently the averments in the application have gone without challenge.
4. This is an unusual application under section 24 of the Code of Civil Procedure Code preferred by the husband and the daughter against the respondent – wife/mother seeking transfer of a proceeding for maintenance preferred by the latter under section 125 of the Code of Criminal Procedure from Family Court, Nanded to the court of Judicial Magistrate First Class, Pimpri-Chinchwad, on the ground that though separate, all of them have been residing at Thergaon within the jurisdiction of Pimpri-Chinchwad Court at Pune.

5. As is mentioned earlier, the respondent has been served with a notice for final disposal, but has not appeared. It appears that the respondent has been served on her address at Pune, which is demonstrative of the fact that she has been residing in Pune, albeit, had preferred the maintenance proceeding in the Family Court at Nanded.

6. It also appears that the proceeding that was initiated by the applicant no.1 for custody of the applicant no.2 was filed in the court at Pune and even the orders were passed directing the respondent to handover his custody to the applicant no.1.

7. There is ample material to show that the parties are staying in Pune.

8. In view of the aforementioned state of affairs, it would be appropriate that the maintenance proceeding is transferred from Nanded to Pimpri Chinchwad.

9. The application is allowed.

10. The proceeding bearing Petition E No. 271 of 2021, pending on the file of the Family Court, Nanded is transferred to the learned Judicial Magistrate First Class, Pimpri Chinchwad, District Pune for decision in accordance with law.

(MANGESH S. PATIL, J.)