

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

MISC. CIVIL APPLICATION NO. 183 OF 2019

Sheetal w/o Arihant Bathiya

Applicant

Versus

Arihant Shantilalji Bathiya

Respondent

Mr. Mohit S. Shah, advocate with Mr. S. P. Brahme, advocate
for the Applicant
Mr. D. R. Jethliya, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE J.

DATE : 30th September, 2022.

PC :

Heard learned Counsel for respective parties.

The applicant-wife is seeking transfer of Petition No.A- 347 of 2019, pending in the Family Court, Nagpur, filed by the Respondent-husband seeking decree of divorce, to the Family Court, Dhule.

The learned Counsel for the Respondent-husband strongly opposed the application but alternatively suggested that the respondent-husband has also challenged the order passed by concerned JMFC, Shirpur, granting maintenance

to the applicant-wife under Section 125 of the Code of Criminal Procedure, by filing Criminal Revision Application No. 26 of 2018 before the learned Additional Sessions Judge, Dhule and the same is pending. He also suggested that the proceedings under the Protection of Women from Domestic Violence Act, filed by the applicant-wife before the concerned Magistrate at Shirpur, bearing Criminal Misc. Application No. 112 of 2014, can also be conveniently transferred to the concerned Magistrate at Dhule, so that all the proceedings between the parties can be worked out at Dhule only.

The learned Counsel for the applicant-wife conceded for such alternate suggestion.

In view of the same, I pass the following order:

(i) Misc. Civil Application is hereby allowed and Petition No. A-347 of 2019, pending in the Family Court, Nagpur, is hereby transferred to the Family Court, Dhule, for its disposal in accordance with law.

(ii) It is further directed that the proceedings under the Protection of Women from Domestic Violence Act, 2005, filed by the applicant-wife in the Court of learned JMFC,

Shirpur, bearing Criminal Misc. Application No. 112 of 2014, is also transferred to the Court of JMFC, Dhule.

(iii) The Respondent-husband is at liberty to seek convenient dates for all the proceedings between himself and the applicant at Dhule.

(iv) Misc. Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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