

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

931 CRIMINAL APPLICATION NO.2693 OF 2021

RUTUJA SOMNATH BARAVKAR
VERSUS
SOMNATH VISHWANATH BARAVKAR

AND

932 CRIMINAL APPLICATION NO.2694 OF 2021

PRATIBHA SOMNATH BARAVKAR AND OTHERS
VERSUS
SOMNATH VISHWANATH BARAVKAR

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Advocate for Applicants : Mr. A. M. Inamdar.

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CORAM : S. G. MEHARE, J.
DATE : 29.09.2022

PER COURT :-

1. Heard the learned counsel for the applicants. Respondent was served, but none appeared for him. Hence, the matter is heard in his absence.

2. The applicant Rutuja, the daughter of respondent has filed an application under Section 125 of Cr.PC. bearing Criminal Misc. Application No.506 of 2020 pending on the file of learned Judicial Magistrate First Class, Rahata, District Ahmednagar. Applicant Pratibha, the wife of respondent has filed a petition under Section 12 of the Domestic Violence Act

bearing No.358 of 2020 and a proceeding under Section 125 of Cr.P.C. bearing Criminal Misc. Application No.357 of 2020. Both the proceedings are pending before the learned Judicial Magistrate First Class, Rahata, District Ahmednagar.

3. The applicants prayed to transfer these petitions to the Chief Judicial Magistrate, Shivaji Nagar, Pune for the reason that they have permanently shifted to Pune for the purpose of education of daughter Rutuja. They had sworn in an affidavit in that regard and also produced the gas cylinder transfer receipt of LPG distributor along with bonafide certificate of her son. It is the contention of the applicants that since they have been shifted to Pune permanently, it would not only be inconvenient, but financially difficult for them to attend the proceedings on each and every date. They have no source of income. The non-applicant/respondent is a public servant. He has sufficient means of income. The proceedings pending before the learned Judicial Magistrate First Class, Rahata may take its own time. Hence, the petitions be transferred as prayed.

4. Perusal of the papers and affidavit filed along with the applications reveal that all the proceedings were filed when the applicants were residing in Rahata. It was convenient for them

to attend the Court. However, they have been shifted permanently to Pune for the education of children. There appears substance in the applications that it would not be inconvenient physically, but may be difficult financially to attend the Rahata Court. The reasons for transferring the proceeding appears bonafide, reasonable and just. Therefore, the applications deserve to be allowed. Hence, the following order :

ORDER

- (i) Both applications are allowed.
- (ii) Criminal M.A. No.358 of 2020 (Sau. Pratibha Baravkar + 2 Vs. Somnath Vishwanath Baravkar), Criminal M.A. No.357 of 2020 (Sau. Pratibha Baravkar + 2 Vs. Somnath Vishwanath Baravkar) and Cri. M.A. No.506 of 2020 (Rutuja Baravkar Vs. Somnath Vishwanath Baravkar) pending before the learned Judicial Magistrate First Class at Rahata, District Ahmednagar be transferred to the Court of learned Chief Judicial Magistrate, Shivaji Nagar, Pune.
- (iii) Learned Judicial Magistrate First Class, Rahata is directed to transfer the above petitions/

applications to the Court at Shivaji Nagar, Pune through the learned Principal District Judge, Ahmednagar.

- (iv) After receiving the above proceedings, the learned Chief Judicial Magistrate, Shivaji Nagar, Pune shall proceed with the matters according to law.

(S. G. MEHARE, J.)

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vmk/-