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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 50 OF 2022**

Mrs. Sarika Kiran Patil Applicant.

V/s

Mr. Kiran Dhondu Patil Respondent.

Mr. Prashant D. Patil for the Applicant.

None for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: APRIL 25, 2022

P.C.:-

1] Heard.

2] None appears for the Respondent, though served.

3] Contents in the Application are not controverted. As such, following facts are established.

4] Marriage between the parties was solemnized on 2nd March, 2013. Out of said wedlock, a daughter was born whose name is Monika. Her age is about five years and she is in the custody of Applicant.

5] Transfer is sought on the ground of hardship, so also for avoiding recording of overlapping findings on the similar set of facts

and evidence. At the behest of Applicant, proceedings in the form of criminal prosecution is initiated for the offence punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code which are pending before the Judicial Magistrate, First Class, Niphad. Apart from above, I am informed that the at the behest of the Applicant other proceedings being Application No.30 of 2020 have been initiated under the provisions of Protection of Women from Domestic Violence Act, 2005 which are pending on the file of Judicial Magistrate, First Class, Niphad.

6] In the aforesaid background, since the proceedings initiated by the Applicant and Respondent are based on similar set of facts and evidence, there is likelihood of recording of overlapping findings. Apart from that, Applicant is a custodian of minor daughter and the Applicant will suffer hardship, if she is made to travel from Niphad to Bandra, Mumbai.

7] As such, Application is allowed in terms of prayer clause (b). Petition No.A-1309 of 2021 pending before the Family Court, Bandra, Mumbai is directed to be transferred to the Civil Judge, Senior Division, Niphad.

8] Application is accordingly disposed of.

(NITIN W. SAMBRE, J.)