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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 60 OF 2021

SHALINI YOGESH UKARANDE

.... APPLICANT.

V/s.

YOGESH KANTILAL UKARANDE

.....RESPONDENT.

**Mr. Pratik B. Rahade, Advocate for the Applicant.
None for the Respondent.**

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 28, 2022.

P.C.:

1. None appears for the non-applicant. Heard learned counsel for the applicant.

2. Parties hereto got married on 11th July, 2019. Due to matrimonial discord, present applicant-wife initiated proceedings, under the Domestic Violence Act and also under section 125 of the Criminal Procedure Code for grant of maintenance, at Niphad. Non-

applicant-husband initiated divorce proceedings before the Family Court at Pune of which transfer is sought on the ground of hardship. It is claimed that travel distance between Niphad and Pune is about 200 kilometers.

3. Fact remains that at the behest of the applicant-wife Applications under Domestic Violence Act and for maintenance under section 125 of the Cr.P.C. are pending on the file of Judicial Magistrate First Class, Niphad, whereas the applicant will have to require to travel to Family Court, Pune to attend the proceedings initiated by the non-applicant for grant of divorce.

4. Apart from hardship, there is likelihood of overlapping findings on the same sets of facts and evidence in two different proceedings if continued at two different places.

5. That being so, proceedings being Petition No. A-533 of 2021 initiated by the non-applicant-husband pending on the file of Family

Court, Pune are ordered to be transferred to Civil Judge, Senior Division, Niphad at Niphad.

6. Endeavor shall be made that all aforesaid proceedings be posted at one and same day.

7. Application is disposed of in the above terms.

[NITIN W. SAMBRE, J.]