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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 82 OF 2021

POOJA HARISH CHIPPA @ POOJAAPPLICANT
SURYAKANT BALLEWAR

V/s.

HARISH DASHRATH CHIPPARESPONDENT

Ms. Avanti Inamdar Advocate for the Applicant

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 28, 2022.

P.C.:

1) Parties herein got married on 14/02/2020. Alleging cruelty, Applicant lodged F.I.R. resulting into registration of crime no. 183/2020 punishable under Sections 498(A), 406, 323, 504, 506 r/w 34 of Indian Penal Code which is pending investigation with Nizampura Police Station, Bhiwandi. In addition, it is claimed that Applicant has initiated proceedings under Protection of Women from Domestic Violence Act, 2005. As counterblast to these claim, respondent-husband has initiated proceedings for restitution of

conjugal rights under Section 9 of Hindu Marriage Act on the file of Family Court, Jalna of which transfer is sought to the Court of Civil Judge Senior Division, Bhiwandi.

2) Ground of hardship is pressed as it is claimed Applicant will be required to travel from Jalna to Bhiwandi which is more than 300 Kms one way.

3) Since the ground of hardship is not controverted, same stands established. Application is allowed in terms of prayer clause (b) which reads thus:

“This Hon’ble Court be please to transfer proceedings H.M.P. No. 37/2020 pending before Ld. Family Court, Jalana to Ld. Civil Judge Senior Division, Bhiwandi, Dist: Thane.”

[NITIN W. SAMBRE, J.]