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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 155 OF 2021

SAKSHI SATISH KURADE

....APPLICANT

V/s.

SATISH KHANDERAO KURADE

.....RESPONDENT

Mr. Rahul R. Patil for the Applicant

CORAM : NITIN W. SAMBRE, J.

DATE: JANUARY 17, 2022.

P.C.:

1] Learned counsel for the Applicant Mr. Rahul Patil on instructions submits that Respondent nos. 2 to 6 in Cri. Misc. Application No. 2905/2016 shall be deleted who are father-in-law, mother-in-law of applicant-wife and married sisters of non-applicant husband. Statement is accepted.

2] As such, Cri. Misc. Application No. 2905/2016 pending on the file of Judicial Magistrate First Class ('JMFC' for the sake of brevity),

Pune initiated under the provisions of Protection of Women from Domestic Violence Act, 2005 ('DV Act' for the sake of brevity) stands dismissed/rejected against said accused and are hereby ordered to be acquitted. Consequential order be passed by the learned Magistrate based on aforesaid observation.

3] In the aforesaid background, contention of Mr. Patil, learned counsel for the Petitioner are appreciated. Marriage between the parties took place on 11/12/2001 at Pune.

4] Parties hereto are blessed with son Aryan who I am informed is with the applicant.

5] Transfer of the proceedings is sought on the ground of hardship as it is claimed that one way distance between Pune and Bandra where non-applicant has initiated proceedings is approximately 200 Kms i.e. 400 Kms both way. It is claimed that applicant will suffer great hardship if she is made to appear before Family Court at

Bandra. Contentions raised are not controverted by the respondent.

6] In that view of the matter, case for hardship in favour of the applicant is made out. Application is allowed in terms of prayer clause (a) which reads thus:

“(a) This Hon’ble Court may be pleased to transfer the entire proceeding of Marriage Petition No. 1263/2021 pending on the file of Family Court Bandra, Mumbai to the file of Family Court, Pune.”

7] Counsel for the applicant assures that copy of this order shall be produced before the Court of learned J.M.F.C. before whom proceedings under DV Act pending for passing consequential order.

8] Liberty to move independently for seeking transfer and clubbing of DV Act proceedings.

[NITIN W. SAMBRE, J.]