

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

982 MISC.CIVIL APPLICATION NO.36 OF 2022

**RAVINDRA BHANUDAS PARKHE AND OTHERS
VERSUS
MINAKSHI RAVINDRA PARKHE**

...
Advocate for Applicants : Mr. Kedar Gavali h/f.
Mr. Janardhan M. Murkute
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 03.02.2023

PER COURT :

Heard learned counsel for the applicant. The respondent wife despite service remained absent.

2. The applicants are seeking transfer of MCA 281/2021 filed by respondent -wife under the provisions of Protection of Women from Domestic Violence Act, 2005 from 3rd Judicial Magistrate F. C., Panvel Dist. Raigad to Judicial Magistrate, First Class, Jalna.

3. The main ground for this transfer is that applicant No.1 is 100% disable on permanent basis and therefore, he cannot travel to Panvel which is 400 kms. away from his place of residence of Jalna. However, in the proceeding filed by respondent-wife the other present applicants are also party and there is no physical disablement to

them. As such, merely because the applicant -husband is disabled person, the proceeding cannot be transferred from Panvel to Jalna. At the most, certain concession can be given to applicant No.1 considering his disability. Therefore following order is passed :

ORDER

- (i) The application stands rejected.
- (ii) However, liberty is granted to the applicant No.1 to appear in the aforesaid proceeding at Panvel through his Advocate except on the dates where his personal attendance is necessary. He is also at liberty to avail facility of video conferencing subject to availability.
- (iii) Application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-