

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

CRIMINAL APPLICATION NO.2484 OF 2022

**MOJIM @ WASIM AJIJ MANYAR
VERSUS
NIKAT W/O. MOJIM @ WASIM MANYAR**

...
Mr. Gajendra D. Jain, Advocate for Applicant
Mr. Shaikh Mazhar A. Jahagirdar, Advocate for Respondent
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 09th JANUARY, 2023

PER COURT :

1. By this application filed under Section 407 of the Code of Criminal Procedure, applicant husband seeks transfer of Cri. Misc. Application No.257/2020, Cri. Misc. Application No.258/2020 and Cri. Misc. Application No.407/2021, filed by respondent wife in the Court of Judicial Magistrate First Class, Shrirampur, to the Court at Dhadgaon or Shahada.
2. Respondent wife had filed Cri. Misc. Application No.133/2017 under the provisions of Protection of Women from Domestic Violence Act, 2005, in the Court of Judicial Magistrate First Class, Dhadgaon, which was allowed and maintenance was awarded to the wife. For recovery of maintenance, she filed Cri. Misc. Application No.11/2019, in the Court of Judicial Magistrate First Class, Dhadgaon, under Section 125(3) of Cr.P.C., which is pending.

3. The wife has filed Cri. Misc. Application No.257/2020, under Section 125 of Cr.P.C., in the Court of Judicial Magistrate First Class, Shrirampur, claiming that she has started residing with her sister. She has also filed Cri. Misc. Application No.258/2020 in the Court of Judicial Magistrate First Class, Shrirampur, under Section 125(3) of Cr.P.C. seeking execution of order passed in Cri. Misc. Application No.133/2017, by the Judicial Magistrate First Class, Dhadgaon.

4. The wife has also filed Cri. Misc. Application No.23/2020, under Section 5 of the Limitation Act, for condonation of delay in challenging the order passed in Cri. Misc. Application No.133/2017, before the Sessions Court, Shahada.

5. Applicant husband seeks transfer of the matters pending at Shrirampur Court to the Court at Shahada or Dhadgaon, on the ground that wife's parents are permanent residents of Dhadgaon and only so as to harass the husband she has filed proceedings at Shrirampur Court.

6. Heard learned advocate for applicant and learned advocate for respondent. Perused the application memo, documents placed on record and affidavit-in-reply filed by respondent.

7. In the peculiar facts of this case, I am of the opinion that considering convenience of the parties, it is desirable that the proceedings pending at Shrirampur Court be transferred to the

Court at Dhadgaon, where Cri. Misc. Application No.11/2019 is pending. Admittedly, Cri. Misc. Application No.23/2020, for condonation of delay, filed by the wife is pending before the Court at Shahada. Wife's parents are permanent residents of Dhadgaon, Taluka Akrani, District Nandurbar and applicant is permanent resident of Taloda, District Nandurbar.

5. Taking into consideration convenience of the parties, application is allowed. Cri. Application No.257/2020, Cri. Application No.258/2020 and Cri. Application No.407/2021, pending on the file of Judicial Magistrate First Class, Shrirampur, are transferred to the Court at Dhadgaon, on the condition that applicant shall deposit half of the maintenance amount claimed by respondent wife within a period of six weeks from today, before the Court at Dhadgaon.

(NITIN B. SURYAWANSHI, J.)