

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPLN) NO.89 OF 2022

Mithun S/o. Lahuji Bhadekar

.VS.

Sau Shubhangi W/o. Mithun Bhadekar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr Anant Neware, Advocate for the applicant

Mr Ajinkya Shitut, Adv. h/f. Mr Ragini Swami, Advocate for the non-applicant

CORAM : G.A. SANAP, J.

DATE : FEBRUARY 16, 2023.

The Advocate for the non-applicant has filed the pursis seeking discharge. Alongwith the discharge pursis the learned Advocate has annexed the acknowledgment of the non-applicant in token of the receipt of the case papers. In view of this the Advocate is discharged. The non-applicant is absent.

2. Heard the learned Advocate for the applicant.

3. This application has been made for transfer of petition No.E-09 of 2022 (Shubhangi Bhadekar .v/s. Mithun Bhadekar) pending on the file of the Family Court at Yavatmal to the Family Court at Nagpur. It is stated that the petition filed by the applicant against his wife seeking

judicial separation is pending before the Family Court at Nagpur. It is submitted that the applicant is working as 'Lecturer' with the Government Institute of Hotel Management and Catering Technology. He is required to carry heavy workload. He is unable to get leave. He cannot regularly attend the Court at Yavatmal which is at the distance of 140 KM. from Nagpur. It is submitted that same has been causing inconvenience to the applicant.

4. The wife has not filed the reply. The question is whether the ground put forth is sufficient to grant the prayer for transfer of a petition pending on the file of Family Court at Yavatmal to the Family Court at Nagpur. The wife/non-applicant is residing at Yavatmal. It is seen that there is a serious matrimonial dispute between the applicant and non-applicant. The proceeding filed before the Family Court at Yavatmal is for maintenance under Section 125 of the Code of Criminal Procedure. While appreciating the facts stated in the application, it is necessary to see whether the applicant/ husband would be required to attend the matter regularly. Learned Advocate for the applicant submitted that the pleading in the said proceeding, pending before the Family Court at Yavatmal, is complete. Said proceeding is otherwise ready for recording the evidence. Considering the nature of the proceeding, if the applicant is not allowed to

lead his evidence via video conferencing facility he would be required to attend the Court only once or twice for giving evidence. His personal presence is not necessary on other dates. However, the inconvenience sought to be placed on record can be taken care of by giving liberty to the applicant husband to appear via video conferencing in the said proceeding.

5. In view of this, the application stands rejected.

6. In the facts and circumstances, the hearing of the said matter pending before the Family Court at Yavatmal is expedited. Learned Judge is requested to dispose of the said matter within three months from today. Learned Judge can grant liberty to the applicant to appear through video conferencing. As and when such application is made, the same shall be disposed of in accordance with law.

7. The criminal application stands **disposed of**, accordingly.

(G. A. SANAP, J.)

Namrata