



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

...

CRIMINAL APPLICATION (APPLN) No.42/2023

Nilesh Ailani

.. Applicant/s

versus

Sonal Umesh Gyanchandani @ Bhakti Ailani

.. Respondent/s

.....
Mr. N.Ailani (in person) is present

Mr. N.R.Gandhi, Adv.for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 23rd August, 2023.

PC:

Leave to amend the prayer clause is granted. The amendment be carried out forthwith. Appropriate amendment through E-filing be done today itself.

2. By the present application, the applicant in-person has made a request to transfer DV Case No. Cri.M.A. 4582/2017 between the parties, from the Court of JMFC No.2 Nagpur to Family Court No. 3 Nagpur and to club the cases with connected matter/s. By amended prayer, the applicant has made a request to transfer all pending cases to one Court, viz. either the Family Court, Nagpur or the Court of JMFC, Nagpur.

3. During the course of arguments, it transpired that number of cases are pending between the parties which includes a case under section 498A of IPC which cannot be transferred from the Court of JMFC to Family Court. Similarly, the Petition u/s.13 of the Hindu Marriage Act pending on the file of the Family Court cannot be transferred to the

Court of JMFC, Nagpur.

4. In the circumstances, the parties are *ad-idem* that the only case left to be transferred to JMFC No.2 Nagpur from Family Court, Nagpur. As regards other prayers for dismissal of application for interim maintenance and to record common evidence in all the cases etc, should be left for consideration by respective Courts. The applicant is at liberty to make appropriate request in this regard before the Court where the cases are pending. Hence the following order :

ORDER

- i) The Application is partly allowed.
- ii) Petition No. E-582/2017 filed u/s 125 of the Cr.P.C. stands transferred from Family Court No.3, Nagpur to JMFC Court No.2 Nagpur,
- iii) Copy of this order be served upon the Principal District Judge, Nagpur and the Principal Judge, Family Court, Nagpur.
- iv) All questions are kept open.

The Criminal Application is disposed of in above terms.

[ANIL L. PANSARE, J.]