



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

901 CRIMINAL APPLICATION NO. 441 OF 2024

Vaishali Mahendra Chaudhary.

... Applicant

Versus

Mahendra Vasant Chaudhary.

... Respondent

Advocate for Applicant : Mr. Anand I. Deshmukh.

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 20th July, 2024.

P.C.:

. By this application, the applicant is seeking transfer of Criminal M.A. No.367 of 2016, pending in the Court of learned Judicial Magistrate First Class, Dhule, Criminal M. A. No.371 of 2016 and Criminal M.A. No.308 of 2023, pending in the Court of learned Judicial Magistrate First Class, Jamner to the Court of learned Judicial Magistrate First Class, Jalgaon.

2 It is the contention of the learned counsel for applicant that the applicant is working as a Talathi and at present staying at Jalgaon. The applicant had filed above referred proceedings when she was posted at Dhule and Jamner. Now, the applicant is staying at Jalgaon. It is causing inconvenience to her to attend the Court dates at Dhule

and Jamner. Hence, requested for transfer of the said proceedings. The learned counsel further submitted that other two proceedings are pending there, but those are part heard. Hence, the applicant is not pressing for transfer of those proceedings.

3 Though the respondent is served, none present for the respondent. Sufficient chances are given to the respondent. Today also, none present for the respondent. Hence, I am deciding this application on merit.

4 I have heard the learned counsel for applicant. Perused the papers produced on record. The applicant has filed various proceedings against the respondent, which are pending at Dhule and Jamner.

5 It is the contention of the applicant that she is Government servant. When she was working at Dhule and Jamner, she filed the said proceedings. But now, she has been posted at Jalgaon and she is facing difficulty to attend the Court dates at Dhule and Jamner. In my view, it is a settled principle of law that while transferring the petition, the convenience of wife has to be considered. Moreover, though the respondent is served, he remained absent. Considering this fact, I pass the following order:-

ORDER

- I. The criminal application is partly allowed.
- II. Criminal M.A. No.367 of 2016, pending in the Court of learned Judicial Magistrate First Class, Dhule, Criminal M. A. No.371 of 2016 and Criminal M.A. No.308 of 2023, pending in the Court of learned Judicial Magistrate First Class, Jamner be transferred to the Court of learned Judicial Magistrate First Class, Jalgaon.

[SHIVKUMAR DIGE, J.]

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