

Prasad Rajput
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 31 OF 2024

Kalyani Bharat Ghare

.. Applicant

Versus

State of Maharashtra and Anr.

.. Respondents

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- Mr. Sandeep Bhpat Satkar, appointed Advocate for Applicant.
- Ms. Manisha R. Tidke, APP for Respondent-State.
- Ms. Simran Raut i/b Ms. Vrushali L. Maindad, for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 11, 2024

P.C.:

1. Heard Mr. Satkar, learned Advocate appointed to represent and espouse the case of Applicant, Ms. Tidke, learned APP for the Respondent-State and Ms. Raut, Advocate for Respondent No.2.

2. The Applicant in the present case is the wife. She has sought transfer of Hindu Marriage Petition filed under Section 9 of the Hindu Marriage Act, 1955 by the Respondent No.2-husband in the Family Court at Pune to the Family Court, Rahata, Dist. Ahmednagar. The Family Petition is nomenclated as Family Petition No. A/1274/2023. The grounds in the Application are stated at paragraph No. 6. With the able assistance of learned Advocate, I have perused the said grounds. The Applicant is required to provide care and support for a minor girl child of one and half years age, her financial condition is not very good and most importantly proximity of distance between the two destinations i.e. Rahata and Pune is almost 184 Kms. which would

entail a severe degree of difficulty for Applicant. The learned Advocate Ms. Raut appearing on behalf of Respondent No.2 in her usual fairness has informed the Court that considering the aforesaid and the averments made in the Application, the Respondent No.2 has no objection if the present Application, is allowed by the Court. The conduct of the learned Advocate appearing for the Respondent No.2 of informing the Court at the outset is appreciated by the Court. This is so because time and again it has been observed in this court that unnecessary arguments are advanced by many of Advocates appearing for the opposite party.

3. In view of the above, there can be no impediment in allowing the present Application. The Application stands allowed in terms of prayer clause “B”. It is directed and clarified that Family Petition No. A/1274/2023 which is pending before the Family Court, Pune shall stand transferred to the Family Court at Rahata, Dist. Ahmednagar. Both the Courts shall act on a server copy of this order and shall not insist on a certified copy. They shall ensure that the papers are transferred immediately and re-registered in the transferee Court at Rahata, Dist. Ahmednagar and proceed with in accordance with law.

4. The High Court Legal Services Committee is directed by this Court to release the fees to Mr. Satkar, learned Advocate appointed by

this Court who has ably assisted the Court in this matter on his producing a server copy of this order alongwith an appropriate Application in accordance with law.

5. With the above directions, Application stands disposed of as allowed.

P.R. Rajput

[MILIND N. JADHAV, J.]