



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

CRIMINAL APPLICATION NO. 1017 OF 2025

Seema Prafulla Mahale Alias Seema Gorakh Jagtap

VERSUS

Prafulla Dhudku Mahale

...

Mr. S. A. Deshpande, Advocate for Applicant

Mr. S. S. Ghodke, Advocate for Respondent

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CORAM : SHAILESH P. BRAHME, J.

DATED : 22ND APRIL, 2025

PER COURT :-

. This application is for transferring the proceedings of Petition (E) No.12 of 2023 under Section 125 of Code of Criminal Procedure from Family Court Dhule to Family Court Nashik.

2. Learned Counsel for the applicant submits that out of the wedlock, the couple has two daughters and they are staying with applicant. One of the daughters of applicant is studying in the fourth year of Engineering at Pune. Applicant is resident of Nashik and has to maintain both the daughters. Learned Counsel submits that order of interim maintenance of Rs.10,000/- per month to each of them has been confirmed up to Hon'ble Supreme Court. Respondent/Husband has failed to comply the said order and is in arrears of Rs.4,00,000/-. He is

in service as a Teacher in Ashram School.

3. Applicant is finding it difficult to attend the proceedings at Dhule. It is vehemently contended that applicant as well as respondent are staying in Nashik and in various proceedings, address of the respondent is shown to be of Nashik.

4. Learned Counsel for the respondent opposes the submissions. He would submit that applicant has filed Petition for dissolution of marriage in Family Court, Dhule. She could attend the proceeding at Dhule, but suddenly, she wanted transfer of proceeding, because Trial Magistrate is against applicant. Applicant is always interested in money and she has independent source of income. In her deposition, she has stated that she is not interested in cohabitation. Sensing the view of the Court, she is seeking transfer of the proceeding and not for any other reasons. Hence, it is contended that the application is not liable to be transferred.

5. Having heard both sides, what transpires is that applicant has filed proceeding under Section 125 of Criminal Procedure Code and under Section 13 of the Hindu Marriage Act for dissolution of marriage at Dhule. Respondent/husband has also filed proceeding under Section 9 of the Hindu

Marriage Act and proceeding under Section 25 of the Guardians and Wards Act, 1890 at Nashik. Memo of those proceedings discloses his address of Nashik. Both the parties appear to have accommodations at Nashik.

6. Learned Counsel for the respondent has taken a plea that at the relevant time, he was residing at Nashik and therefore address of Nashik was shown. I do not approve submission. Respondent is working as Assistant Teacher and there is nothing on record to show that there was change of job or transfer or any circumstance to change the address from Nashik to Dhule or some other place.

7. If proceedings are transferred to Nashik, I do not find any prejudice will be caused to the respondent to attend the proceeding. Interim order of maintenance has been confirmed up to Hon'ble Supreme Court. Respondent is bound to pay Rs.30,000/- per month in aggregate. There is no reason to discard that one of the daughters is taking education at Pune. It is not necessary for this Court to go into the quantum of arrears. Applicant is bound to receive the amount towards interim maintenance.

8. Considering above referred facts, I find that applicant is

likely to face hardship if she has to attend proceedings by travelling from Nashik to Dhule. The ends of the justice would be subserved if the proceedings are transferred from Dhule to Nashik.

9. Hence, I pass the following order:

ORDER

- i. Criminal Application stands allowed in terms of prayer clause (B) on condition that applicant shall co-operate for the earlier expeditious disposal of Petition (E) no.12 of 2023.
- ii. Respondent shall be at liberty to request the jurisdictional Court for permission to appear and attend the proceedings through video conferencing.

(SHAILESH P. BRAHME, J.)