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12-MCA-282-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 MISC.CIVIL APPLICATION NO. 282 OF 2024

Amruta Dhanraj Kshirsagar

VERSUS

Dhanraj Prataprao Kshirsagar

...

Mr. Vijay Vasanttrao Deshmukh, Advocate for Applicant.

Mr. Rajendra V. Dasalkar, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 6th FEBRUARY 2025

PC :-

1. Heard the parties.
2. This application is filed by the applicant-wife seeking transfer of the proceeding bearing No.A/121/2024 pending before the learned Judge, Family Court at Latur to the learned Family Court at Parbhani.
3. It is the case of the applicant-wife that she is staying with her old aged parents. There is no one to accompany her to travel to Latur. She has also filed case under Section 498-A of the I.P.C. which is pending before the learned JMFC, Jintur, Dist. Parbhani. There is one more proceeding filed under the Domestic Violence Act in the Court at Jintur.

Prior to the case instituted by the husband in the Family Court, as it is the husband has appeared in the domestic violence proceeding. She thus submits that it would be in the interest of justice to transfer the proceeding to the learned Family Court at Parbhani.

4. The learned Advocate Mr.Dasalkar vehemently opposes the application. He invites attention to the pleadings and the proceeding showing that there is threat to his life if he travel to attend proceeding. The wife always threatened the husband with dire consequences. She also carries pistol in her purse. She is found in company of other persons and therefore, he apprehends danger to his life. He further submits that applicant-wife is well-educated person. She can travel to Latur. The husband is ready to bear expenses. He thus prays for rejection of the application.

5. Considering these, this Court finds as it is, the husband has appeared in domestic violence proceeding at Jintur. There is one more proceeding under Section 498-A of I.P.C. pending in the Court of learned JMFC, Jintur.

6. Considering all above aspects, this Court finds that the application

needs to be transferred. Application is therefore allowed in terms of prayer clause (A).

7. After the proceeding is transferred, the applicant-wife shall co-operate in speedy disposal of the proceedings without seeking unnecessary adjournments. If the Court finds that unnecessary adjournments are sought by the applicant-wife, the Court shall deal with it to compensate the respondent.

8. The learned Judge shall try to dispose of the proceeding as early as possible and preferably within eighteen (18) months from the date of transfer of the proceeding.

9. With this, application stands disposed of.

[KISHORE C. SANT, J.]