



(1)

5-MCA-340-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 MISC.CIVIL APPLICATION NO. 340 OF 2024

Akshata Amol Chaudhari
VERSUS
Amol Kashinath Chaudhari

...

Mr. Nitin Keshavrao Chaudhari, Advocate for Applicant.

CORAM : KISHORE C. SANT, J.

DATE : 27th MARCH 2025

PC :-

1. In spite of service, none appears for respondent.
2. This application is filed for transfer of the matrimonial proceeding bearing Petition A-262 of 2024 pending before the Court of learned Judge, Family Court Jalgaon to the Court at learned Civil Judge, Senior Division, Malkapur.
3. The applicant filed a complaint on 16th May 2024 at Malkapur City Police Station for offence under Sections 498-A, 504 and 506 of the Indian Penal Code on the basis of which prosecution is lodged bearing RCC No.45 of 2025. The wife also filed a proceeding under D. V. Act

bearing PWDVA No.73 of 2024 on 19th September 2024. It is on this background, now the husband has filed petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. It is now sought to be transferred.

4. The learned Advocate for the applicant submits that the applicant is presently staying with her parent. There is no one to accompany her to attend the proceeding. The distance between two places is about 100 k.m. Two proceedings are already pending in the Court at Malkapur. It is thus convenient to transfer the proceedings at Malkapur. She therefore prays for transfer of the proceeding from the Court of learned Judge, Family Court Jalgaon to the Court at learned Civil Judge, Senior Division, Malkapur.

5. Considering above, this Court finds that it would be in the interest of justice to transfer the proceeding from the Court of learned Judge, Family Court Jalgaon to the Court at learned Civil Judge, Senior Division, Malkapur. Hence, following order :

ORDER

(i) Application is allowed in terms of prayer clause (B).

- (ii) After transfer of the proceeding, the learned trial Judge shall try to dispose off the proceeding as early as possible and preferably within eighteen (18) months from the date of transfer.
- (iii) The applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.
- (iv) With this, application stands disposed off.

[KISHORE C. SANT, J.]