



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Criminal Application No. 4765 Of 2024

Nandini @ Nanda Pravin Khandare

Age : 35 years, Occupation – Education,

R/o : C-wing, hira parl society,

Surve no.166/1/1, Sroom no.601,

Near Gajanan Maharaj Temple,

Power house,

fursingi, Pune – 412308.

.. Applicant

Versus

Pravin s/o Shrirang Khandare

Age : 36 years, Occupation – Service,

R/o : Wadevahan, Tq. Parner,

District Ahmednagar.

.. Respondent

* Mrs. Vanita H. Sangole, Advocate for the Applicant.

* Mr. Pravin S. Khandare - Respondent - in person.

CORAM : SHAILESH P. BRAHME, J.

DATE OF RESERVING THE ORDER : 20th MARCH 2025

DATE OF PRONOUNCING THE ORDER : 8th APRIL 2025

FINAL ORDER :

. Heard the learned Counsel for the Applicant and Respondent in person finally.

2. The Applicant - Wife is seeking transfer of 'PWDVA No.14/2020'

filed under Section 12 of the Domestic Violence Act pending before the Judicial Magistrate First Class, Parner, Dist. Ahmednagar and 'R.C.C. No.21/2020' for offence under Sections 498A, 323, 504, 506 of the Indian Penal Code pending before the Judicial Magistrate First Class, Parner, Ahmednagar to the Judicial Magistrate First Class, Pune.

3. Learned Counsel for the Applicant submits that Applicant is residing at Pune and has no source of income. She is unable to travel from Pune to Parner to attend both the proceedings due to ailments. It is submitted that Respondent - Husband has not paid interim maintenance awarded in PWDVA No.14/2020 as well as in RCS No.670/2018. It is submitted that Applicant has apprehension of danger to her life from the Respondent. The Respondent and his family members has already abused threatened and harassed the Applicant. It is further submitted that the Applicant has lost faith in the Presiding Officer at Parner who is biased. The representation was also made to Principal District Judge for transferring the matter on 27.08.2024, but it was not considered.

4. The application is contested by the Respondent on the basis of affidavit-in-reply. It is submitted that the Applicant is in service, able bodied and smart lady. She can undertake the travel and attend the proceedings. It is submitted that her complaints to the police against him, representation to the Principal District Judge or application to transfer the proceedings are false. She has source of income being

M.Phill and Ph.D. Her submission regarding her health is palpably false because she is black-belt winner in Karate and strong.

5. Respondent further submits that his parents are ill. He has to look after them and the agricultural land. He has no source of income. The conduct of the Applicant is objectionable because she has expressed distrust against the Presiding Officer at Parner. Her application is liable to be rejected.

6. The Applicant is resident of Pune and the proceedings sought to be transferred are pending before the Judicial Magistrate First Class, Parner. Besides that proceeding of RCS No.670/2018 filed by her is pending at Civil Judge, Senior Division, Pune. It further transpires that Respondent has also initiated suit for dissolution of marriage in the Competent Court at Ahmednagar.

7. Applicant was awarded interim maintenance of Rs. 10,500/- vide order dated 07.03.2020 by the Civil Judge, Senior Division, Pune in RCS No.670/2018. A distress warrant was issued in that suit vide order dated 12.02.2025 to the tune of Rs. 8,61,000/- against Respondent. Applicant was also awarded Rs.1000/- per month as interim maintenance below Exhibit-5 in PWDVA No.14/2020 vide order dated 19.05.2022. A distress warrant was issued to the tune of Rs.39000/- vide order dated 24.01.2024 by the Judicial Magistrate First Class, Parner. The orders issuing distress warrant referred above are on record. Respondent is in arrears of interim maintenance. It is

up to the Applicant to take recourse to due procedure of law for the recovery of the amount. Apparently Applicant is justified in contending that liability to pay maintenance imposed on the Respondent has not been discharged.

8. The parties are facing various proceedings. The Applicant has lodged non-cognizable reports against the Respondent. She even filed application on 20.07.2024, seeking police protection. She also filed application on 27.08.2024 and 12.09.2024 expressing castigating conduct of Presiding Officer which shows her helplessness and distress. If this is the situation, then I find that it is desirable to transfer proceedings.

9. Both the parties have vehemently made rival submissions regarding financial capacity of each other, but I am not inclined to record any finding in this matter. I am also unable to render any finding regarding health or capacity of the Applicant to travel from Pune to Parner. Those are also disputed questions of facts. Considering over all circumstances of the matter, I am inclined to grant relief to the Applicant.

10. Though the Family Court is available at Pune, RCC No.21/2020 needs to be tried by the Judicial Magistrate First Class. As the proceedings sought to be transferred are between the same parties and having common record would be entrusted to the Judicial Magistrate First Class at Pune. Therefore, I pass following order :

ORDER

- (i) The Criminal Application is allowed partly.
- (ii) The proceeding of PWDVA No.14/2020 filed under Section 12 of the Domestic Violence Act pending before the Judicial Magistrate First Class, Parner, Dist. Ahmednagar and R.C.C. No.21/2020 for offence under Sections 498A, 323, 504, 506 of the Indian Penal Code pending before the Judicial Magistrate First Class, Parner Ahmednagar, are transferred to the Judicial Magistrate First Class, Pune.

SHAILESH P. BRAHME
JUDGE

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