



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

CRIMINAL APPLICATION NO. 583 OF 2024

1. Vyankatesh S/o Kaluram Madnure,
Age- 46 years, Occu: Assistant Professor,
R/o. Kundalwadi, Tq. Biloli, Dist. Nanded
2. Anjanabai W/o Kaluram Madnure,
Age- 74 years, Occu: Housewife,
R/o. Kundalwadi, Tq. Biloli, Dist. Nanded

...APPLICANTS

VERSUS

1. Ayodhya W/o Vyankatesh Madnure,
Age- 34 years, Occu; Agriculturist,
R/o. Hanmant Jawalga, Tq. Chakur, Dist. Latur
2. Aarohi D/o Vyankatesh Madnure,
Age: 5 years, Occu: Student,
Under Guardian of Mother
Ayodhya W/o Vyankatesh Madnure
Age: 34 years, Occu; Agriculturist,
R/o. Hanmant Jawalga, Tq. Chakur,
Dist. Latur

....RESPONDENTS

....

Mr. P P Mandlik, Advocate for the Applicants
Ms. K. D. Bhande, Advocate for the Respondents

....

**WITH
MISC. CIVIL APPLICATION NO.399 OF 2023**

Ayodhya W/o Vyankatesh Madnure,
Age: 34 years, Occu: Household,
R/o. Karhal, Post Kundalwadi,
Tq. Biloli, Dist. Nanded

At present:

R/o. C/o Dnyanoba Govindrao Mandurke,
At post – Hanmant Jawalga,
Tq. Chakur, Dist. Latur

**...APPLICANT
(Original Respondent)**

VERSUS

Vyankatesh S/o Kaluram Madnure,
Age: 40 years, Occu; Service,
R/o. Karhal, Post Kundalwadi,
At present:
Kundalwadi, Tq. Biloli Dist. Nanded

**....RESPONDENT
(Original Petitioner)**

....

Ms. K. D. Bhande, Advocate for the Applicant
Mr. P. P. Mandlik, Advocate for the Sole Respondent

CORAM : Y. G. KHOBRAGADE, J.

**RESERVED ON : 11.02.2025
PRONOUNCED ON : 25.02.2025**

:: JUDGMENT ::

1. At the outset it is submitted that, on 19.06.2024, this Court (Coram: Shivkumar Dige, J.) passed an order and referred the matrimonial dispute to the Mediator to ascertain possibility of settlement of the said dispute. Accordingly, the Mediator Mr. S. K. Kadam has submitted a mediation failure report.

2. On 18.12.2024, this Court passed the following order:

ORDER

“1. In Criminal Application No.583 of 2024, the Applicant husband prayed for transfer of Criminal Misc. Application PWD.VA No.27 of 2023 from the file of learned Judicial Magistrate First Class, Chatur to the file of learned Chief Judicial Magistrate, Biloli District Nanded.

2. In Misc. Civil Application No.399 of 2023, the non-applicant No.1 wife prayed for transfer of H.M.P No.22 of 2023 filed by the (husband) from the file of learned Civil Judge Senior Division, Biloli Dist. Nanded to the file of learned Civil Judge Senior Division, Latur.

3. During the course of interaction both the learned counsels appearing for the respective parties have made a statement that the husband and wife are willing to settle the matrimonial dispute, however, prayed for intervention of the Court for interaction/mediation/understanding to both husband and wife. Therefore, in order to ascertain the possibility of settlement of the matrimonial dispute, the Applicant husband and the Non-Applicant wife both are directed to remain present before this Court on 10.01.2025.”

3. Again, On 10.01.2025, this Court passed the following order which reads as under:

ORDER

“1. As per order dated 19.06.2024, the Mediator has submitted its report dated 08.10.2024 stating that the Mediation has failed. However, today the Applicant/Husband and the Respondent/Wife are personally present before this Court and they have shown willingness to settle the dispute. The Applicant/Husband had submitted his terms and conditions of settlement in writing. It is taken on record and marked 'X-1' for identification.

2. *The Respondent/Wife has also given her terms and conditions in writing for settlement of the dispute. It is taken on record and marked 'X-2' for identification.*

3. *After discussing with both the parties in open Court, it has been revealed that the Applicant/Husband had purchased the land ad measuring 2 and 1/2 Acre in the name of Respondent/Wife. Smt. Ayodhya Venkatesh Madnure. However, the Applicant/Husband got transferred said land in the name of his son by executing a gift deed from the Respondent/Wife in the name of his son which shows dishonesty of the Applicant/Husband while keeping away the right of the Respondent/Wife. The Respondent/Wife further stated that since last three years i.e. with effect from 08.12.2022 she was compelled to stay at her parental house and since then no amount of maintenance is paid to her. The Applicant/Husband is working as a Professor in the Senior College and drawing salary of more than Rs. 1.5 lakhs per month under the 7th Pay Commission.*

4. *Therefore, considering the ratio laid down in case of Kalyan Dey Chowdhury V/s. Rita Dey Chowdhury Nee Nandy; (2017) 14 SC 200, the Respondent/Wife is entitled for 25% of her husband's income towards maintenance. Therefore, an enquiry was made with the Applicant about keeping some amount in the Fixed Deposit in the name of Respondent/Wife. However, the Applicant/Husband sought time to ascertain the amount and to make a statement on the next date.*

5. *With consent of parties, stand over to 10.02.2025.”*

4. On 10.02.2025, both the parties personally appeared before this Court. Therefore, inquiry was made with both the parties about settlement of the dispute. The Non-applicant wife stated that, the Applicant shall keep some

amount of arrears of maintenance in fixed deposit on her name. On inquiry, the Applicant/Husband stated that, he is ready and willing to keep deposit of Rs.5,00,000/- (Rupees Five Lakh) in fixed deposit in the name of Non-Applicant. The Non-applicant filed reply affidavit with salary certificate of the Applicant for the month of December 2024 and submitted calculation in respect of arrears of maintenance amount i.e. salary per month of Rs.1,79,000/- X 25% = 44,750/- per month. Therefore, arrears of maintenance for 36 X Rs. 44,750/- = Rs.16,11,000/- (Rupees Sixteen Lakh Eleven Thousand). Therefore, inquiry was made with the Applicant about keeping the said amount in fixed deposit in the name of Non-Applicant with the Nationalized Bank, but the Applicant denied said proposal. Therefore, this Court arrived at a conclusion that the parties are not willing to settle the dispute, hence, both the parties are called upon to argue the matter on merit.

5. Rule. Rule made returnable forthwith. With consent of both the parties, heard finally at the stage of admission.

6. In Criminal Application No.583 of 2024, the Applicant/Husband prayed for transfer of proceedings i.e.,Criminal Misc. Application PWDVA No. 27 of 2023 filed by the Non-Applicant / wife to the file of learned Chief Judicial Magistrate, Biloli, Dist. Nanded from the file of Learned Judicial Magistrate First Class, Chakur Dist. Latur.

7. In Civil Misc. Application No.399 of 2023, the Applicant/Wife prayed for transfer of H.M.P No.22 of 2022 filed by the Applicant / husband to the file of learned Civil Judge, Senior Division, Latur, Dist. Latur from the file of learned Civil Judge, Senior Division, Biloli, Dist. Nanded.

8. Needless to say that, the Non-applicant/wife filed a Criminal Misc. Appln. P.W.D.VA. No.27 of 2023 under Section 12, 17 to 23 of the Protection of Women from Domestic Violence Act, 2005 and set out the following prayers:

“A) That, the proceedings of Criminal Miscellaneous Application PWD.VA. No.27/2023 pending before Learned Judicial Magistrate First Class, Chakur, District Latur may kindly be transferred to the Learned Chief Judicial Magistrate, Biloli, District Nanded.

B) Pending hearing and the final disposal of the present Criminal Application, further proceedings in Criminal Miscellaneous Application P.W.D.V.A. No.27/2023 pending before Learned Judicial Magistrate First Class, Chakur, District Latur may kindly be stayed.

C) Ad-interim relief in terms of prayer clause 'B' may kindly be granted.

D) Pass such other orders which are necessary in the facts and circumstances of the case in favour of the applicants.”

9. It is a matter of record that, the Applicant/husband has filed H.M.P. No.22/2023 before the Civil Judge Senior Division Biloli and prayed as under:

“A) This Misc. Civil Application may kindly be allowed.

B) The Hindu Marriage petition No.22/2022 pending before the Court of learned Civil Judge, S.D.Biloli, Dist. Nanded may kindly be transferred to the Court of Ld. Civil Judge, S.D.Latur, Dist. Latur.

C) Pending hearing and final disposal of this Misc. Civil Application, the further proceeding in Hindu Marriage Petition No.22/2022 pending before the Court of Ld. Civil Judge S.D. Biloli, Dist. Nanded, may kindly be stayed.

D) Ad-interim relief in terms of prayer Clause “C” may be granted.

E) Any other suitable and equitable relief may kindly be granted in favour of Applicant.”

10. Since the Applicant/husband filed Criminal Application No.583 of 2024 and prayed for transfer of criminal proceeding P.W.D.V.A. No.27/2023 pending on the file of

learned Judicial Magistrate First Class, Chakur, Dist. Latur, to the file of learned Chief Judicial Magistrate, Biloli Dist. Nanded.

11. Section 407 of Cr.P.C., provides as under:

Section 407: Power of High Court to transfer cases and appeals-

- (1) *whenever it is made to appear to the High Court-*
- a) that a fair and impartial inquiry or trial cannot be held in any Criminal Court subordinate thereto, or*
 - (b) that some question of law of unusual difficulty is likely to arise; or*
 - (c) that an order under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice,*
it may order-
 - (i) that any offence be inquired into or tried by any Court not qualified under sections 177 to 185 (both inclusive), but in other respects competent to inquire into or try such offence;*
 - (ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;*
 - (iii) that any particular case be committed for trial to a Court of Session; or*
 - (iv) that any particular case or appeal be transferred to and tried before itself.*
- (2) *The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative:*

Provided that no application shall lie to the High Court for transferring a case from one Criminal Court to another Criminal Court in the same sessions

division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.

- (3) Every application for an order under sub-section (1) shall be made by motion, which shall, except when the applicant is the Advocate-General of the State, be supported by affidavit or affirmation.*
- (4) When such application is made by an accused person, the High Court may direct him to execute a bond, with or without sureties, for the payment of any compensation which the High Court may award under sub-section (7).*
- (5) Every accused person making such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.*
- (6) Where the application is for the transfer of a case or appeal from any subordinate Court, the High Court may, if it is satisfied that it is necessary so to do in the interests of justice, order that, pending the disposal of the application, the proceedings in the subordinate Court shall be stayed, on such terms as the High Court may think fit to impose:*

Provided that such stay shall not affect the subordinate Court's power of remand under section 309.
- (7) Where an application for an order under sub-section (1) is dismissed, the High Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider proper in the circumstances of the case.*

- (8) When the High Court orders under sub-section (1) that a case be transferred from any Court for trial before itself, it shall observe in such trial the same procedure which that Court would have observed if the case had not been so transferred.*
- (9) Nothing in this section shall be deemed to affect any order of Government under section 197.*

12. Vice versa, in Misc. Civil Appln. No.399 of 2023, the Applicant/wife prayed for transfer of H.M.P No.22 of 2022 from the file of learned Civil Judge Senior Division, Biloli Dist. Nanded to the file of learned Civil Judge Senior Divisions, Latur Dist. Latur, therefore, it would be just and proper to reproduce Section 24 of C.P.C. which reads as under:

Section 24- General power of transfer and withdrawal

“(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage.

(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or

(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) re-transfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which [is thereafter to try or dispose of such suit or proceeding] may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

(3) For the purposes of this section,

(a) Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court;

(b) proceeding includes a proceeding for the execution of a decree or order].

(4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.”

13. The learned counsel for the Applicant canvassed that, the Applicant has already filed his evidence affidavit in H.M.P No.22 of 2022. However, on 20.12.2023 this Court (Coram: Shailesh P. Brahme, J.) passed an order in Miscellaneous Civil Application No.399 of 2023 and issued notice to the Present Applicant and stayed further proceeding of H.M.P No.22 of 2022. It is further canvassed that, the Non-Applicant is avoiding to contest proceeding H.M.P No.22 of 2022 and she has filed a false case under the Domestic Violence Act. The Non-Applicant consciously took plea in her written statement in H.M.P No.22 of 2022 that, she is ready and willing to resume co-habitation with the Applicant No.1 but falsely instituted P.W.D.V.A. No.27 of 2023

under Section 12, 17 to 23 of the D. V. Act.

14. It is further contended that, the Applicant is working as a Assistant Professor in private college at Arjapur Tq. Biloli Dist. Nanded. The Applicant's working hours are 10:00 a.m. to 16:00 p.m.. The mother of the Applicant No.1 is about 74 years old and she is suffering from various age related illnesses. Master Avishkar, the Applicant's son is staying with the Applicant, whereas, minor daughter Aaroahi is staying with the Non-Applciant. Therefore, it would cause great hardship to the Applicants if the D.V. proceeding No. 27 of 2023 is continued with the learned JMFC, Chakur, Dist. Latur.

15. The learned counsel for the Applicant further canvassed that, the Non-Applciant No.1 is residing with her parents, two brothers, two sister-in-laws at her parental house Chakur Dist. Latur, therefore, the Non-applciant would not face any hardship to attend the Court at Biloli, whereas, the Applicant is residing at Kundalwadi village with his old aged mother and minor son. The Applicant is ready and willing to pay appropriate

traveling expenses to the Non-applicant. The Applicant is working as a Professor in private College, therefore, it would cause hardship to the Applicant during his working hours to attend the D.V. proceeding pending before the learned J.M.F.C. Chakur, hence, prayed for transfer of said proceeding.

16. In support of these submissions, the learned counsel for the Applicant relied on the case of ***Ketaki Prathamesh Salekar @ Ketaki Ravindra Pawshe Vs. Prathamesh Ashok Salekar, 2020 DGLS(Bom.)1206=2021 (2) All.M.R.66***, wherein the Applicant/wife sought transfer of Petition No. A-2617 of 2019 filed by the Respondent/husband at Family Court No.4 Mumbai (Bandra) to the Family Court Pune, Shivajinagar on ground that, the Applicant/wife was prosecuting her master degree in law and her child was small. Under these circumstances, the Co-ordinate Bench of this Court observed in paragraph Nos. 5 and 6 as under:

“5. In light of the said circumstances, since the transfer is not justified merely on the ground that the child is small, in the application itself, the applicant has categorically made a statement that she is staying with her parents so that the parents can take care of the child on a day's journey when the

applicant is required to travel from Mumbai to Pune to attend the proceedings. Since, merely being a woman can give no right to seek transfer of proceedings but the transfer must be allowed when it aims to secure justice.

6. *The difficulty expressed by the applicant that she is without any income and travelling from Pune to Mumbai (Bandra) would incur expenses, the respondent is directed to reimburse the expenses for travel of the applicant on each date of hearing on presenting the necessary details of the travel.”*

17. It further relied on the case of ***Harshada Tejas Narute Vs. Tejas Mukund Narute, 2021 DGLS(Bom.) 2617***, wherein it has been held in Paragraph Nos. 4 and 5 as under:

“4. The power under Section 24 of the CPC. has to be exercised with extreme caution and it is a settled position of law that it cannot be exercised at the drop of the hat. Convenience of the party may be one of the factors to be taken into consideration, but it is not always the sole criteria.

Here is an Applicant, who has instituted multiple proceedings in the Court at Nashik and for attending the proceedings, the Applicant will have to move to and fro on multiple occasions. The Respondent/Husband has fled divorce proceedings before the Applicant/Wife has instituted various proceedings and since it is informed that the proceedings filed by the Respondent/Husband in the Court at Pune are at the stage of evidence, the reasons set out by the Applicant seeking transfer of proceedings, do not convince me that the proceedings need to be transferred. The Applicant, who once upon a time serving in Pune, is fully capable to take up the travel to attend the proceedings at Pune. However, at the same time the inconvenience which she has expressed in seeking transportation is also to be taken care of.

5. *Learned counsel appearing for the Respondent submits that he is ready to share an amount of Rs. 2,500/- for attending every date in the Marriage Petition No. 550 of 2002, which is*

now scheduled for evidence. The aforesaid amount would enable the Applicant to travel comfortably in a private cab and the inconvenience can be minimised. The amount towards transportation shall be deposited in advance by the counsel for the Respondent in the Court of Civil Judge, Senior Division, Pune. In the wake of the aforesaid directions, I do not deem it expedient to grant the application and it stands rejected.”

18. It further relied on case of **Anindita Das Vs. Srijit Das**, **2005DGLS(SC) 659:2006(9) SCC 197**, wherein in Paragraph Nos. 3 to 7 the Hon’ble Supreme Court held thus:

“3. Even otherwise, it must be seen that at one stage this Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by this Court. On an average at least 10 to 15 transfer petitions are on board of each court on each admission day. It is, therefore, clear that leniency of this Court is being misused by the women.

4. This Court is now required to consider each petition on its merit. In this case the ground taken by the wife is that she has a small child and that there is nobody to keep her child. The child, in this case, is six years old and there are grandparents available to look after the child. The respondent is willing to pay all expenses for travel and stay of the petitioner and her companion for every visit when the petitioner is required to attend the court at Delhi. Thus, the ground that the petitioner has no source of income is adequately met.

5. Except for stating that her health is not good, no particulars are given. On the ground that she is not able to come to Delhi to attend the court on a particular date, she can always apply for exemption and her application will undoubtedly be considered on its merit. Hence, no ground for transfer has been made out

6. Accordingly, we dismiss the transfer petition We, however,

direct that the respondent shall pay all travel and stay expenses of the petitioner and her companion for each and every occasion when she is required to attend the court at Delhi.

7. The respondent shall send in advance to the petitioner, money for a 2nd class AC train ticket for herself and a companion. The respondent shall also pay stay expenses of the petitioner and her companion in a 3-star hotel. The trial court shall ensure that the petitioner has been paid the travel expenses in advance and that the hotel expenses are paid to her on each and every occasion when she is required to attend the court at Delhi.”

19. Per contra, the learned counsel for the Non-Applicant canvassed in vehemence that, the Applicant has filed H.M.P No.22 of 2022 before the learned Civil Judge Senior Division, Biloli with an ulterior motive and prayed for decree of divorce. The Non-applicant, a young woman aged about 34 years unable to attend each and every court hearings at Biloli, Dist. Nanded along with her small daughter. There are no direct traveling facilities from parental village of the Non-Applicant to travel at Biloli, Dist. Nanded. However, the Applicant filed H.M.P, proceeding with malafide intention to cause mental agony to the Non-applicant. Therefore, it is necessary to transfer H.M.P to the file of Civil Judge, Senior Division, Latur, which is convenient place to the Non-Applicant.

20. It is further canvassed on behalf of the Non-applicant

that, the Court of learned Civil Judge Senior Division, Biloli, Dist. Nanded is situated more than 130 kms from her parental village Hanmant Jawlga, Tq. Chakur, Dist. Latur. There is no direct Train, Bus or Taxi facilities are available to travel at Biloli from parental village of the non-applicant. Therefore, it is very difficult to the non-applicant to travel 130 KM with her minor daughter. Therefore, it is not feasible to the Non-Applicant to attend the Court proceeding and return back on the same day at her parental house. But the Applicant is healthy, having vehicle facilities to travel and can easily attend the Court proceeding at Latur.

21. In support of these submissions, the learned counsel for the Non-applicant relied on ***Rahul S/o sGautam Athwale Vs. Ruchira W/o Rahul Athwale LAWS(BOM)-2022-6-73***, wherein the Coordinate Bench of this Court considered various cases cited therein and held in Paragraph No.10 as under:

“10. In the catena of Judgments, Hon'ble Supreme Court has considered the convenience of the wife in case of transfer of petitions on the civil side. Here not only relief under the Civil Act has been claimed by the applicant husband as well as the respondent wife but the respondent wife is also claiming relief under Code of Criminal Procedure, though it is quasi civil in nature. In Rajani Kishor Pardeshi (supra) similar offer was made by the husband that he will pay the travel expenses of the wife and

there is no need to then transfer the cases but the Hon'ble Supreme Court has observed that "In this type of matter, the convenience of the wife is to be preferred over the convenience of the husband". In other cases decided by this Court as well as the Hon'ble Supreme Court relied by the learned Advocate for the Respondent wife, similar view has been taken that the convenience of the wife will have to be considered. Under such circumstance, one factor definitely will have to be highlighted that all the three matters will require to be brought before one Court in order to avoid any contrary decision and also to avoid multiplication of proceedings. Therefore, when convenience of wife is required to be considered."

22. It is not in dispute that, marriage between the Applicant and the Non-Applicant solemnized on 23.12.2012 at Arjapur, Tq. Biloli Dist. Nanded as per the customs and rites prevailing in their society. It is also not in dispute that, out of said matrimonial relationship, they were blessed with a son namely Avishkar, on 29.10.2014, and a daughter Aarohi, on 14.12.2018. It is a matter of record that, on 10.01.2023, the Applicant instituted civil proceeding bearing H.M.P. No.22 of 2022 before the Civil Judge Senior Division, Biloli Dist. Nanded and prayed for the decree of dissolution of marriage under Section 13(1)(b) of the Hindu Marriage Act. On 04.10.2023, the Non-Applicant filed a Misc. Criminal Appln. P.W.D.V.A. No.27/2023 under Section 12, 17 to 23 of the Protection of Women from Domestic Violence Act, 2005. Therefore, it *prima facie*

appears that, the present Applicant instituted the proceeding under the Hindu Marriage Act subsequent to filing of the D.V. proceeding by the Non-Applicant. Therefore, case laws cited on behalf of the Applicant are not applicable to the facts and circumstances of the present case.

23. On face of record it appears that, son of the present spouse is School going boy aged about 11 years, whereas daughter is aged about 6 years. The Non-Applicant has submitted the Sonography Report and Medical Certificate issued by the Medical Officer certifying that, minor daughter Aarohi is suffering from kidney related problem. The Applicant has not denied about distance of 130 kms from parental village of the non-applicant to the Court of learned Civil Judge Senior Division, Biloli, Dist. Nanded. It is not in dispute that, there is no direct traveling facilities like, Train, Bus or Taxi facilities are available from parental village of the non-applicant to travel at Biloli. Under these circumstance, if the non-applicant is directed to attend the HMP proceeding before the learned Civil Judge, Senior Division, at Biloli, Dist. Nanded in that event it certainly would cause inconvenience to the Non-applicant/wife to travel with her minor

daughter. Nonetheless, it is not at all feasible to the Non-Applicant to attend the Court proceeding and to return back on the same day at her parental house after the Court hours. On the contrary, the Applicant having vehicle facilities to travel at Latur and he can easily attend the said proceeding. Therefore, considering the case of ***Rahul*** cited (supra) on behalf of the Non-Applicant, it will be just and proper to withdraw the proceeding bearing H.M.P. No.22 of 2022 pending on the file of learned Civil Judge Senior Division, Biloli and transfer to the file of learned Civil Judge, Senior Division, Latur, Dist. Latur. However, I do not find any substantial grounds to transfer PWDVA No.27 of 2023 from the file of learned JMFC Chakur to the file of learned Chief Judicial Magistrate Biloli, Dist. Nanded. In view of above discussion, I proceed to pass the following order:

:: ORDER ::

- (i) The Criminal Application No.583 of 2024 is hereby dismissed.
- (ii) The Misc. Civil Application No.399 of 2023 filed by the Non-Applicant/wife is hereby allowed.

- (iii) The H.M.P. No.22 of 2022 filed by the Applicant/husband pending on the file of learned Civil Judge, Senior Division, Biloli, Dist. Nanded is hereby withdrawn and transferred to the file of learned Civil Judge, Senior Division, Latur Dist. Latur. The Applicant/husband and Non-applicant/wife shall appear before the learned Civil Judge, Senior Division, Latur Dist. Latur on 17th March, 2025.
- (iv) Rule is made absolute in Misc. Civil Application No.399 of 2023. Rule is discharged in H.M.P. No.22 of 2022.

[Y. G. KHOBRAGADE, J.]