

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISC. CIVIL APPLICATION NO. 250 OF 2025****Satish Shantaram Gite****..... Applicant****VERSUS****Dipali Satish Gite****..... Respondent**

Mr. Prathamesh Mondal a/w. Mr.Arunkumar Kamer, Mr.Ajinkya A. Kamer i/b. Arunkumar & Associates for the Applicant.

Ms.Ankita Phadke (Thr. V.C.) for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 4 NOVEMBER, 2025****P.C. :-**

1) I have heard learned advocate for both the sides and with their help, I was able to go through the documents which are placed on record.

2) Mr.Mondal, learned advocate appearing for the applicant (husband) submitted that the applicant has complied with the directions given by this Court by an order dated 15 October, 2025. He submitted that the applicant has deposited a sum of Rs.3,12,000/- with the Judicial Magistrate First Class, 1st Court, Nashik. He submitted that this amount includes the interim maintenance towards wife and the daughter and also school fees and educational expenses

of the daughter.

3) He submitted that the wife herself is not staying at Nashik. He submitted on instructions that he is not pressing prayer clause (c) and he is arguing his matter only as far as prayer clause (b) of the transfer proceeding is concerned.

4) He submitted that the respondent (wife) was earlier staying at Nashik and at present, she is staying at Kalyan and the daughter of the applicant and the respondent is studying in the school at Kalyan. He submits that for both the parties, it is inconvenient to go to Nashik. Therefore, the DV proceedings filed by the wife which is at present at the stage of filing evidence by the applicant (wife), should be transferred to the Judicial Magistrate First Class at Kalyan.

5) Ms. Phadke, learned advocate appears on behalf of the respondent and submits that though the respondent and her daughter, both are residing at Dombivali, Kalyan, the respondent quite often visit Nashik and has not missed a single date of hearing before the DV court, Nashik and since the matter has proceeded further and is at the stage of filing of evidence of wife, the matter should not be transferred from Nashik to Kalyan.

6) Having heard learned advocates for both the sides and considering the fact that there is no dispute that the respondent is

now staying at Dombivali, Kalyan, in my view, there is no point in keeping the matter pending before the Additional Chief Judicial Magistrate, Nashik.

7) So also, the applicant has shown his *bonafide* by depositing the interim maintenance amount before the Judicial Magistrate First Class, 1st Court, Nashik. Therefore, according to me, case is made out to allow this Miscellaneous Civil Application.

8) The present **Miscellaneous Civil Application stands allowed in terms of prayer clause (b).**

8.1) The proceedings of PWDVA No. 579 of 2022 pending before the Additional Chief Judicial Magistrate, Nashik be transferred to the Judicial Magistrate First Class at Kalyan within a period of four weeks from today.

8.2) The respondent is permitted to withdraw the amount of Rs.3,12,000/- deposited by the applicant with the Judicial Magistrate First Class, 1st Court, Nashik without prejudice to the rights and contentions of both the parties.

8.3) The parties are at liberty to make an application before the Judicial Magistrate First Class, Kalyan to hear the DV proceedings expeditiously.

- 9) All concerned to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]