



PWDVA No. 29/2024
Priti Vs. Mohan and ors.

ORDER PASSED BELOW APPLICATION (EXH. NO. 26)

Respondent Nos. 1, 2 contend that the applicant has filed application (Exh. No. 1) claiming that she is residing on the address mentioned in the title clause of application (Exh. No. 1). The applicant has also mentioned in her application (Exh. No. 1) that the applicant is residing with her daughter at the house of her alleged maternal uncle at Erandoli, Tal. Miraj Dist. Sangli. The said claim is vague and imaginary. The applicant is not residing at Erandoli. The applicant has not mentioned the incidents making her to reside with her maternal uncle at Erandoli. The applicant is permanent resident of Kolhapur. The applicant has claimed the same in application (Exh. No. 1). The applicant is doing a job at Pune. The applicant neither temporarily nor permanently resides at Erandoli. Therefore, this Court has no jurisdiction. Therefore, respondent Nos. 1, 2 have prayed that preliminary issue be framed and finally application (Exh. No. 1) be rejected.

02. The applicant has filed her say at Exh. No. 29. She has denied the contents of the application. Respondent Nos. 1, 2 have filed the application with a view that the applicant would not get justice within time. Respondent Nos. 1, 2 have repeatedly claimed that Narayan Dada Jadhav is alleged maternal uncle of the applicant. However, Narayan Dada Jadhav

is real maternal uncle of the applicant. So also, Narayan Dada Jadhav had accepted entire responsibility of marriage of the applicant and respondent No. 1. Her maternal uncle was present during the marriage ceremony. When she suffered domestic violence by the respondents, she did not go to Kolhapur but proceeded to reside permanently with her maternal uncle Narayan Dada Jadhav at Erandoli.

03. The applicant contends that her parents are old and their financial condition is very weak. She was doing job at Kolhapur, prior to her marriage. Her parents are more than 80 years of age. Her father gets Rs. 1200/- per month pension. Therefore, her parents are not able to look after the applicant and her daughter. Her two brothers also neglect her. Therefore, she cannot reside at Kolhapur. She was doing job at Saswad. Because of her repeated absence notice was given to her. In July 2024, she has resigned and she is residing at Erandoli. Therefore, this Court has jurisdiction. Accordingly, she prays to reject the application.

04. I perused the application, say thereon, documents of the parties and heard arguments.

05. The learned advocate for respondent Nos. 1, 2 filed copy of FIR lodged by the applicant. It was lodged on 19.04.2024. It is worth here to note that in FIR dated 19.04.2024 against the respondents, the applicant-informant has mentioned her address Mauli Vrundhavan Society, Plot No.

Mohodip, Jaydeep Mangal Karyalayachya Mage, Saswad Tal. Purandar Pune.

06. It is worth here to note that the applicant has uploaded the application and other documents for the first time on 04.04.2024 and on 12.04.2024 application (Exh. No. 1) is registered as PWDVA 29/2024. Apparently, FIR shows that the informant on 19.04.2024 was residing at Saswad Tal. Purandar Dist. Pune. The learned advocate for the applicant has not explained it. It is not the claim of the applicant that on 04.04.2024, 12.04.2024 the applicant was residing at Erandoli, the applicant shifted to Saswad, Pune on 19.04.2024, again she shifted therefore to Erandoli. Thus, prima facie I find that the applicant is not residing within territorial jurisdiction of this Court. However, only on considering FIR, I am of the opinion that the application cannot be decided at once. It is because, the learned advocate for the respondents have placed on record copy of notice of Miscellaneous Civil Application No. 440/2024 filed by the respondents before the Hon'ble Bombay High Court. The learned advocate for the applicant has not disputed pendency of Miscellaneous Civil Application No. 440/2024. He has submitted that the applicant has received notice thereof.

07. I perused the notice. In that notice order dated 22.11.2024 has been quoted as "2. This application is filed for seeking transfer of Domestic Violence Proceeding pending in the Court of Judicial Magistrate First Class-Miraj, District : Sangli either to the Court of Chief Judicial Magistrate Pune or Judicial

Magistrate First Class - Saswad, District : Pune. 3. Both the parties are residing at Saswad, District : Pune is the submission". Thus, the matter is pending for proper adjudication before the Hon'ble Bombay High Court. Therefore, instead of at once rejecting application (Exh. No. 1) for want of jurisdiction, I find it just and suitable to wait for the order of the Hon'ble Bombay High Court, considering the relief prayed by the respondents in Miscellaneous Civil Application No. 440/2024. Therefore, this application be kept at abeyance till decision of Miscellaneous Civil Application No. 440/2024.

Miraj
Date : 13.02.2025

(R. S. Wankhede)
Judicial Magistrate First Class
Miraj

CERTIFICATE

I affirm that the contents of this P.D.F file judgment/order are same, word to word, as per the original judgment/order.

Name of the Stenographer. : K. A. Udagave (Steno. - III)
Court. : Civil Judge Junior Division and
Judicial Magistrate F.C. Miraj

Dictation Date : 13.02.2025
Order signed by
the Presiding Officer on. : 17.02.2025
Order uploaded on. : 17.02.2025