

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO.130 OF 2015

Savita Kiran Dhotre @ Savita Dagadu
Gaikwad

... Applicant

Versus

Kiran Anil Dhotre

... Respondent

.....

Mr. S.B. Deshmukh i/b Rajaram Deshmukh for the Applicant.

Mr. S.V. Sadavarte for the Respondent.

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CORAM : S.C.GUPTE, J.

DATE : 8 MARCH 2017

P.C. :

. Heard learned Counsel for the parties.

2 This miscellaneous civil application seeks transfer of a pending divorce petition filed by the Respondent before the Family Court at Pune to the Family Court at Nasik. The Applicant's criminal application under the Prevention of Women from Domestic Violence Act, 2005 is pending before the Court of Judicial Magistrate, First Class at Nasik. The Applicant is agreeable to have this proceeding transferred to the Family Court at Nasik, so that it can be heard along with the transferred divorce petition by that Court. Since both proceedings contain common questions and common evidence is likely to be led, it is in the interest of justice that both proceedings are heard together. Considering the fact that the domestic violence proceeding filed by the Applicant was prior in point of time and also that the Applicant is living in Nasik with her parents alongwith her five

year old son, it is in the interest of justice that the Family Court at Nasik hears the matters rather than the Family Court at Pune.

3 Learned Counsel for the Respondent refers to his client's criminal complaint to the Court of JMFC, Pune against the Applicant in connection with an alleged forgery and fabrication of a life insurance policy, to oppose the misc. civil application. That is a separate matter and has nothing to do with the merits of the present misc. civil application. That is no reason to continue with the matrimonial proceedings before the Pune Court.

4 Accordingly, the civil application is allowed in terms of prayer clause – (a). It is also ordered that Criminal Application No.332 of 2014 filed by the Applicant, which is pending before the Court of Judicial Magistrate, First Class at Nasik, shall also be transferred to the Family Court at Nasik, to be heard alongwith transferred Petition No.A No.106 of 2015.

(S.C. GUPTE, J.)