

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

MISCELLANEOUS CIVIL APPLICATION NO.240 OF 2015

Sheetal Vidyadhar Dhaware	...	Applicant
Versus		
Vidyadhar Mohan Dhaware	...	Respondent

Mr. Ritesh Thobde for the Applicant.
Mr. Vivek S. Salunke for the Respondent.

CORAM : S.C. GUPTE, J.

DATE : 16 FEBRUARY 2017

P.C. :

Heard learned Counsel for the parties.

2 This misc. civil application seeks transfer of a pending matrimonial proceeding, being Hindu Marriage Petition P.A. No.1347 of 2014, filed by the Respondent herein before the Family Court at Pune. The Applicant seeks transfer of this petition to the Family Court at Solapur.

3 The application is on the footing that she lives with her parents; that she does not have any source of income and depends exclusively on the income of her mother; that her father is also bed ridden; and that she also has to look after a two year old daughter who lives with her. It is also submitted that there are matrimonial proceedings pending between the parties in Solapur, one being the Applicant's own application under Section 125 of the Criminal Procedure Code for maintenance, which is pending before the Family Court at Solapur and the other being her criminal

application under the [Protection of Women from Domestic Violence Act, 2005](#), which is pending before the Judicial Magistrate, First Class, Solapur. It is submitted that the Applicant is agreeable to having both these applications to be clubbed and posted before the Family Court at Solapur to be tried alongwith the transferred petition.

4 On these facts, and considering that various common questions are to be determined in the three matters with possibly common evidence, it is in the interest of justice that all three proceedings should be heard together by the Family Court at Solapur.

5 Accordingly, misc. civil application is allowed in terms of prayer clause (a). It is also directed that the Applicant's criminal application under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, pending before the JMFC, Solapur shall also be transferred to the Family Court at Solapur, to be heard alongwith the transferred petition. The Family Court at Solapur is directed to hear all three matters, namely, transferred Hindu Marriage Petition P.A. No.1347 of 2014, the application under Section 125 of the Criminal Procedure Code for maintenance pending before it and criminal application under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 to be transferred from the Court of JMFC, Solapur, together. The Family Court at Solapur is directed to dispose of all three proceedings as expeditiously as possible and preferably within a period of one year from today.

(S.C. GUPTE, J.)