

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

MISCELLANEOUS CIVIL APPLICATION (ST) NO.16633 OF 2018

Mrs. Smita Nitin Dhiwar

... Applicant

V/s.

Mr.Nitin Dhiwar

... Respondent

Mr.Shivam Srivastav i/b Mr. Jaideep Thakker for the Applicant.

Mr.Noman Jafri i/b Mr. Rakesh A. Kamble for the Respondent.

CORAM : A.M.DHAVAL, J.

DATE : 12th OCTOBER, 2018.

P.C.:

. Learned advocate for the applicant assures to remove office objections in a week. Heard learned counsel for the parties. On the request of learned counsel for the applicant leave granted to amend the petition.

2. The wife has filed this application under section 24 of CPC for transfer of H.M.P. No.A-314/2018 filed by the husband against her in the Court of Civil Judge, Senior Division , Pune to the Family Court, Thane as she is residing at Thane. The marriage took place on 14/11/2007 at Karund, Tal. Parner, Dist-Ahmednagar. Thereafter the parties co-habited at Pune. Due to matrimonial dispute wife is now residing with her parents at Thane. The parties are having two children out of which 12 years old son is residing with the father and two years daughter is residing with mother. The wife is not serving. The husband is having his business at Pune. The wife has filed domestic violence proceedings at Thane.

3. The parties agree for bringing both the matters together. As per

section 26 of Civil Procedure Code, a Civil Judge has also jurisdiction to conduct domestic violence proceedings.

4. Considering the financial condition of wife and her duty to maintain her two years daughter it is necessary in the interest of the parties to transfer both the matters to the Civil Judge Senior Division, Thane. Hence, the order:

ORDER

- i) The application is allowed;
- ii) H.M.P. No. A-314/2018 pending with Civil Judge Senior Division, Pune as well as Domestic Violence No.118/2018 pending in J.M.F.C, Thane are transferred to Civil Judge Senior Division, Thane for joint trial;
- iii) The concerned Superintendent/Assistant Superintendent shall transmit the records to the Court of Civil Judge Senior Division, Thane at the earliest;
- iv) The parties shall remain present in the Court of Civil Judge Senior Division, Thane on 21/11/2018;
- v) Miscellaneous Civil Application stands disposed of.

(A.M.DHAVALA, J.)