

Vidya Amin.

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

**REVIEW PETITION (ST.) No. 19650 OF 2018
IN
MISCELLANEOUS CIVIL APPLICATION No. 110 OF 2018**

Appaji Maruti Bongale & Ors. ... Petitioners
vs.
Mrs. Ujwala Appaji Bongale ... Respondent

Mr. Uday Warunjikar, Advocate for the petitioners.
Mr. Ashok B. Tajane, Advocate for respondent/wife.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 25th April, 2019**

P.C. :

In this Review Petition, the order dated 24th April, 2018 in Miscellaneous Application (St.) No. 7681 of 2018 which was filed under section 24 of Code of Civil Procedure is challenged.

2. The respondent/wife has filed an Application under section 24 of CPC for transfer of two proceedings which were pending in the Pune Court to Solapur Court. The respondent/wife has filed the proceedings under the Domestic Violence Act and the petitioner/husband has filed the Petition for custody of 9 years old son. The said Miscellaneous Civil Application filed by wife for transfer of these two proceedings from Pune to Solapur was

allowed. Being aggrieved by the said order, the petitioner/husband has filed this Review Petition.

3. The learned counsel Mr. Warunjikar for the petitioner/husband has submitted that there is an error apparent from the face of record while passing the order, as certain facts are not produced before this Court at the time of hearing of Miscellaneous Civil Application. He submitted that the husband and wife have stayed in Pune permanently and they have their share household in Pune and therefore, the case under the Domestic Violence Act was filed in Pune. He submitted that the Protection officer from Solapur under the Domestic Violence Act is appointed by the learned Magistrate and he will not be able to give a correct report in the said proceedings. He has further submitted that in the custody petition, the wife has taken the plea that the child has psychological issue and needs treatment of psychologist who is at Pune, therefore, she is required to come to Pune from Solapur. The learned counsel submitted that however the wife has to come to Pune along with child to take treatment of the psychologist, then both the matters are to be kept in Pune and should not have transferred to Solapur.

4. The learned counsel Mr. Tajane opposed the Application and submitted that the order is already implemented by the Court impugned by transferring the Custody Petition and also the proceedings under the Domestic Violence Act to the Solapur Court. He pointed out that the petitioner/husband has appeared in those matters at Solapur and also has filed the written statement. Hence, Review Petition becomes infructuous.

5. Considered the submissions. This Review Petition is not within the scope of Order 47 Rule 1 of Code of Civil Procedure. Hence, Review Petition is rejected.

(MRIDULA BHATKAR, J.)