

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO.195 OF 2021

SHUBHADA SARANG OTARI
VERSUS
SARANG PANDURANG OTARI

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Advocate for the Applicant : Shri V.S. Bedre
Advocate for the Respondent : Shri Mayur V. Salunke

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 08th February, 2022

Per Court:

1. Heard the learned counsel for the applicant and the respondent.
2. This Misc. Civil Application filed by the applicant/ wife under Section 24 of the Code of Civil Procedure seeking transfer of the proceedings filed by the respondent/ husband in the form of PA No.1142/2020 in the Family Court at Pune to the Family Court at Ahmednagar, deserves to be allowed in the wake of no objection accorded by the learned counsel for the respondent/ husband.
3. Pertinent to note that the applicant/ wife has instituted Criminal M.A. No.963/2020 under the provisions of the Protection of Women from Domestic Violence Act, 2005, (for short, "the DV Act") before the learned JMFC, Ahmednagar. She has also instituted Criminal M.A.

No.35/2020 in the Family Court at Ahmednagar by invoking Section 125 of the Code of Criminal Procedure. The proceedings filed by the husband for dissolution of marriage are filed in the year 2020 and pending on the file of the Family Court at Pune.

4. Since the learned advocate for the respondent has accorded his consent to transfer PA No.1142/2020 to the Family Court at Ahmednagar, the request as made in the application is granted.

5. The applicant/ wife has instituted the proceedings before the learned JMFC by invoking Sections 12, 18, 19, 20 and 22 of the DV Act and since these proceedings can be transferred to the Family Court at Ahmednagar in the wake of the statutory scheme as well as the power of the learned Magistrate under the DV Act, which can be exercised by the Family Court, interest of justice demands that Criminal M.A. No.963/2020 filed by the applicant/ wife before the JMFC shall also be transferred to the Family Court at Ahmednagar.

6. In the wake of the above, the proceedings filed by the respondent/ husband in the Family Court at Pune as well as the proceedings filed by the applicant/ wife before the JMFC, shall stand transferred to the Family Court at Ahmednagar. Upon transfer of the proceedings as above, the Chief Judge of the Family Court at Ahmednagar is requested to assign all the proceedings preferably to the same Family Judge.

Since the proceedings are filed in the year 2020, the learned Judge, Family Court, Ahmednagar, to whom the proceedings are assigned, shall make an endeavour to dispose of the proceedings within a period of one year from today.

This Misc. Civil Application is allowed in the aforesaid terms.

kps

(SMT. BHARATI H. DANGRE, J.)