

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

MISC.CIVIL APPLICATION NO.265 OF 2021

**ASHWINI PUSHKARAJ KULKARNI
VERSUS
PUSHKARAJ PADAMANATH KULKARNI**

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Advocate for Applicant : Mr. Estling S. Murge
Advocate for Respondent : Mr. Santosh N. Patne

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CORAM : MANGESH S. PATIL, J.

DATED : 27 JUNE 2022

PER COURT :

Heard learned advocates of both the sides and perused the papers including the affidavit-in-reply filed by the respondent-husband.

2. In this proceeding under section 24 of the Code of Civil Procedure the applicant is seeking transfer of a divorce proceeding initiated by respondent-husband and pending in the Family Court at Solapur to the court at Osmanabad where she has been residing with her parents.

3. There is no dispute about the fact that the applicant has been staying in Osmanabad. There is also no dispute about the fact that she has initiated a complaint under the Protection of Women from Domestic Violence Act, 2005 in the court at Osmanabad. Even the fact that the applicant has one and half years daughter from the respondent has not been controverted.

Admittedly, the applicant is a housewife, whereas, the respondent is in employment.

4. Taking into account the aforementioned state of affairs, the convenience of the applicant would be paramount, in a juxtaposition to it, even if this application is rejected the respondent will have to defend the proceeding pending at Osmanabad under the Domestic Violence Act.

5. Besides, even she seems to have lodged the F.I.R. for the offences punishable under section 498A etc. of the Indian Penal Code at Osmanabad.

6. Considering all the aforementioned facts and circumstances, the application deserves to be allowed.

7. The application is allowed.

8. The divorce proceeding bearing No.A-255 of 2020 is transferred from the Family Court at Solapur to the Family Court at Osmanabad for the decision in accordance with law.

9. The parties shall appear before the Family Court at Osmanabad on 06-08-2022 and there shall be no need for that court to issue any notice to them.

10. All the courts taking up different matters between the parties are pending at Osmanabad shall, as far as possible, list all these matters on the same date.

(MANGESH S. PATIL, J.)