

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

MISC. CIVIL APPLICATION NO.59 OF 2019

Sou. Puja Somnath Marakad ..Applicant
Versus
Shri. Somnath Namdev Markad ..Respondent

Mr. Sachinkumar P. Rajepandhare, for the Applicant.

CORAM : NITIN W. SAMBRE, J.

DATE : 5th JANUARY, 2022

PC.

1. Heard.
2. Though served none appears for the respondent.
3. Applicant has initiated proceedings under the Protection of Women from Domestic Violence Act, 2005 ("DV Act" for short) bearing MA No.301 of 2017. The prayer is made by the applicant for transfer of HMP No.1608 of 2018 initiated by the respondent pending on the file of Family Court, Pune to Family Court, Solapur.
4. In response to the Court's query, counsel for the applicant/wife on instructions informs that the non-applicant Nos.2 to 5 namely, Shri. Namdev Bajirao Markad, Sou. Shobha Namdev Markad, Laxman Namdev Markad and Ram Namdev Markad be

permitted to be deleted from the cause title of the DV Act proceedings.

5. In view of above, DV Act proceeding stands dismissed as withdrawn against non-applicant Nos.2 to 5.

6. The consequential order shall be passed by the Court of Judicial Magistrate First Class, Solapur in the said proceedings. As such, applicant undertakes to produce copy of this order before the said Court.

7. As far as the prayer for transfer is concerned, the contentions in the application are not controverted by the respondent, as the respondent has chosen not to appear in the matter. Apart from above, considering the distance between Solapur and Pune, the hardship which is likely to be suffered by the applicant/wife, the application, in my opinion, needs to be granted in terms of prayer clause (A).

8. The application as such stands allowed.

[NITIN W. SAMBRE, J.]