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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 83 OF 2020**

BHAGYASHRI SWAPNIL PAWAR

....APPLICANT

V/s.

SWAPNIL NILESH PAWAR

.....RESPONDENT

Mr. Anvil B. Kalekar Advocate for the Applicant
Mr. Dinesh P. Adsule Advocate for the Respondent

**CORAM : NITIN W. SAMBRE, J.
DATE: FEBRUARY 22, 2022.**

P.C.:

- 1) Parties hereto got married on 10/12/2017. Alleging cruelty and domestic violence, Applicant initiated proceedings under Protection of Women from Domestic Violence Act on 26/12/2019 which are pending on the file of Judicial Magistrate First Class, Solapur.
- 2) Apart from above, my attention is also invited to the fact that Respondent-Husband is facing prosecution under Section 498-A r/w 34 of Indian Penal Code at the Court in Solapur.
- 3) Alleging hardship, prayer is made for transfer of Marriage Petition No. A-661/2019 pending on the file of Family Court at Nashik to Family Court, Solapur.

4) Prayer is opposed on the ground that based on the cause of action, proceedings were initiated. It is further claimed that hardship cannot be inferred in favour of the Applicant as she can very much travel to attend the proceedings at Nashik.

5) Considered submissions.

6) The fact that non-Applicant is attending proceedings under Domestic Violence Act and also facing criminal prosecution is not in dispute. As a consequence of proceedings of divorce initiated by the non-Applicant at Family Court, Nashik, there is every likelihood of overlapping of findings will be recorded on same set of facts and findings at two different places.

7) In the aforesaid background, to avoid the same and having regard to the distance between two places, case for ordering transfer is made out. Application is allowed in terms of prayer clause (b) which reads thus:

“(b) The Marriage Petition No. A-661/2019 pending before the Learned Family Court at Nashik be transferred to the Learned Family Court at Solapur.”

8) It is directed that Courts below while dealing with the proceedings shall ensure that all the proceedings are posted on the same day so as to make it convenient to the parties to attend the same.

[NITIN W. SAMBRE, J.]