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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 206 OF 2021**

PURNIMA NARESH DHULLA

....APPLICANT

V/s.

NARESH RATILAL DHULLA

....RESPONDENT

Mr. Jayendra Khairnar Advocate for Applicant
Mr. Ankur N. Pahade Advocate for Respondent

**CORAM : NITIN W. SAMBRE, J.
DATE: MARCH 8, 2022.**

P.C.:

- 1) Parties hereto got married on 29/06/2012. Non-Applicant husband initiated proceedings being Complaint no. 2033/2019 with the police authorities resulting into registration of N.C. Apart from above, there appears to be another complaint lodged with the police station at Malegaon by the Applicant for an offence punishable under Sections 498(A), 406, 323, 504, 506 of the Indian Penal Code.
- 2) Applicant initiated proceedings under Section 125 of Code of Criminal Procedure, 1973 which is pending on the file of Civil Judge Senior Division, Malegaon, later on transferred to Court of Civil Judge Senior Division and Additional Chief Judicial Magistrate,

Malegaon being Cri. Misc. Application No. 1281/2019.

3) C.R. No. 195/2019 came to be registered against non-Applicant in the wake of aforesaid complaint.

4) Thereafter, non-Applicant husband initiated proceedings under Section 13(1)(ia) of Hindu Marriage Act, 1955 seeking dissolution of marriage being Petition No. A-1187/2020 of which transfer is sought from Family Court, Bandra to Court at Malegaon. Apart from above, I am informed that proceedings under Protection of Women from Domestic Violence Act are initiated by the Applicant-Wife which are pending on the file of Additional Chief Judicial Magistrate, Malegaon. In the aforesaid background, alleging hardship, Applicant has sought transfer of dissolution of marriage proceedings from the file of Family Court, Bandra to Court at Malegaon.

5) Prayer is opposed by the learned counsel for the non-Applicant as according to him, proceedings are initiated at Family Court, Bandra having regard to the cause of action narrated therein as parties to the Application lastly resided together at Bhandup i.e. within jurisdiction of Family Court, Bandra.

6) I have considered submissions.

7) Fact remains that Applicant-wife has initiated proceedings in the form of Domestic Violence Act and also criminal proceedings at Malegaon which are being attended by non-Applicant husband and I am informed that said proceedings are pending on the file of 3rd Jt. Civil Judge Senior Division, Malegaon.

8) In the aforesaid background, considering ground of hardship of the Applicant-wife and to avoid overlapping findings on the same set of facts and evidence in two different proceedings at two different places, a case for transfer is made out. That being so, Application stands allowed in terms of prayer clause (a) which reads thus:

(a) That this Hon'ble Court be pleased to direct the Learned Family Court Bandra at Mumbai to transfer the Hindu Marriage Petition No. A-1187 of 2020 to Learned Civil Judge Senior Division, Malegaon, Dist. Nashik, to try, entertain and dispose off.

9) It is directed that all the proceedings be posted on one and same day so as to facilitate the parties to attend the same.

[NITIN W. SAMBRE, J.]