

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

MISC. CIVIL APPLICATION NO.132 OF 2022

Dhanashree Ameya Madkaikar	..Applicant
Versus	
Ameya Ravindra Madkaikar	..Respondent

Mr. Mangesh M. Deshmukh, for the Applicant.
Mr. Ajinkya M. Udane, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 24th MARCH, 2022

PC.

1. Prayer for transfer is opposed by Mr. Ajinkya Udane, counsel appearing for the non-applicant on the ground that proceedings of which transfer is sought are initiated by the applicant having regard to the cause of action narrated therein. According to him, ground of hardship cannot be inferred.

2. Considered submissions.

3. It appears that at the behest of applicant/wife proceedings under the Protection of Women from Domestic Violence Act, 2005 ("DV Act" for short) are initiated and pending on the file of JMFC, Pune. Both these proceedings viz. dissolution of marriage, so also DV Act proceedings are based on same set of facts and documentary evidence and as such, there is likelihood of

overlapping of findings, in case, if the proceedings are conducted before the different forums. As such, so as to save precious time and to avoid overlapping of findings to be recorded, in my opinion, application needs to be allowed. That being so, application is allowed in terms in terms of prayer clause (a).

4. Parties are at liberty to apply before the Family Court jointly as agreed for expeditious disposal of the proceedings.

[NITIN W. SAMBRE, J.]