

AGK

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

MISCELLANEOUS CIVIL APPLICATION NO.155 OF 2022

Shubhangi (Neeta) Pravin Padalkar ... Applicant

V/s.

Pravin (Popat) Atmaram Padalkar ... Respondent

Ms. C.S. Gongane for the applicant.

Mr. Ajinkya M. Udane with Mr. Ranjit Shinde for the respondent.

CORAM : AMIT BORKAR, J.

DATED : MARCH 3, 2023

P.C.:

- 1.** The applicant/wife has filed present miscellaneous civil application for transfer of Hindu Marriage Petition No.274 of 2021 pending before Civil Judge Senior Division, Vita, Sangli to Family Court, Bandra, Mumbai.
- 2.** The marriage between applicant and respondent took place on 29th November 2018. Out of said wedlock, the parties have a female child aged three and half years.
- 3.** Due to matrimonial differences, the parties started residing separately. The applicant has filed DV Application No.200 of 2021 before Metropolitan Magistrate, 51st Court at Kurla, Mumbai. The respondent has also filed petition for divorce bearing Hindu Marriage Petition No.274 of 2021 before Civil Judge Senior

Division, Sangli (Vita).

4. Since the wife is residing in Mumbai, she has filed application seeking transfer of proceedings from Sangli (Vita) to the Family Court, Bandra, Mumbai. Learned advocate for the respondent objected to the transfer of proceedings.

5. The applicant is in custody of three and half year old daughter as single parent. Considering the distance between Sangli (Vita) and Mumbai, the applicant has made out a case for transfer.

6. Since the Marriage Petition No.274 of 2021 is being transferred to Family Court, Bandra, Mumbai, the proceedings filed by wife under the provisions of the Domestic Violence Act also needs to be transferred to the Family Court, Bandra, Mumbai.

7. The miscellaneous civil application is, therefore, allowed in terms of prayer clause (I). No costs.

8. In addition to grant of prayer clause (I), the DV proceedings filed by the wife pending before Metropolitan Magistrate, 51st Court at Kurla, Mumbai is also transferred to the Family Court, Mumbai along with Hindu Marriage Petition No.274 of 2021.

(AMIT BORKAR, J.)