

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

**INTERIM APPLICATION NO. 17775 OF 2023  
IN  
MISC. CIVIL APPLICATION NO. 197 OF 2022**

|                                    |                      |
|------------------------------------|----------------------|
| <b>Dr. Payal Pravin Thokal</b>     | <b>...Applicant</b>  |
| <b>V/s.</b>                        |                      |
| <b>Dr. Pravin Chhaburao Thokal</b> | <b>...Respondent</b> |

Mr. Aniruddha Lad i/b KLT Law Associates for Applicant.  
Mr. Ravindra S. Pachundkar for Respondent.

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|--------------|-----------------------------------------|
| <b>CORAM</b> | <b>: ABHAY AHUJA, J.</b>                |
| <b>DATE</b>  | <b>: 12<sup>th</sup> DECEMBER, 2023</b> |

**P.C. :**

1. This is an application seeking modification of the order dated 7<sup>th</sup> January, 2023 on the ground that although a separate Family Court was established at Beed with effect from 2<sup>nd</sup> October, 2020 and as such the jurisdiction of the District Court under Section 19 of the Hindu Marriage Act, 1955 to entertain, try and dispose of the said petition was not vested with the Family Court at Beed, however, the Applicant and his Advocate being oblivious of the above, had through inadvertence sought transfer of the divorce petition from the Family Court at Pune to the District Court at Beed instead of seeking transfer of the said Petition to the Family Court at Beed.

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2. On 7<sup>th</sup> January, 2023, the following order was passed by this Court as the learned Advocate appearing for the Respondent, on instructions, stated that he had no objection for transfer of proceedings to the District Court at Beed:-

*“1. The wife has filed present Application seeking transfer of proceedings pending before learning Family Court, Pune to the District Court, Beed. Learned Advocate appearing for Respondent, on instructions, states that he has no objection for transfer of proceedings to the District Court at Beed.*

*2. Hence, the Application is allowed for terms of pryer Clause-B. Prayer Clause-B reads as under;*

*“(b) this Hon’ble Court be pleased to transfer the proceedings in the said Petition i.e. Petition bearing P.A. No. 2424 of 2021 filed by the Respondent herein against the Applicant herein, in the Hon’ble Family Court at Pune to the Hon’ble District Court at Beed, for trial and disposal thereof on merits in accordance with law”.*

3. Today, when the matter is called out, Mr. Panchundkar, learned Counsel appears for the Respondent and submits that he had appeared at the time of the aforesaid order, but presently he has no instruction in the matter.

4. Be that as it may, it is quite clear from the paragraph 4 of the interim application as well as submissions made on behalf of the Applicant that through inadvertence the Applicant sought transfer of

divorce proceedings to the District Court at Beed instead of Family Court at Beed. It is settled law that when there is a Family Court established, no other forum will have jurisdiction to deal with the matter.

5. In this view of the matter, the order dated 7<sup>th</sup> January, 2023 is modified. Let the proceedings bearing no. P.A. No. 2424 of 2021 or any other number that the District Court may have given to this Petition, be transferred to the Family Court at Beed.

6. Application is allowed in terms of the prayer Clause (c), which reads thus:-

*“ (c) this Hon’ble Court be pleased to order and direct the Hon’ble District Court at Beed to makeover/transfer the proceedings in the said Petition bearing P. A. No. 2424 of 2021, which are transferred to and receive by the Hon’ble District Court at Beed and re-numbered and registred as Misc. Civil Application No. 74 of 2023 in the Hon’ble District Court at Beed (pursuant to the said Order dated 7<sup>th</sup> January, 2023), to the Hon’ble Family Court at Beed, for trial and disposal thereof on merits in accordance with law.”*

7. The Interim Application accordingly stands disposed.

**(ABHAY AHUJA, J.)**