

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 114 OF 2023

Vijaya Saurabh Kulkarni

... Applicant

Versus

Saurabh Nagesh Kulkarni

... Respondent

Ms. Vrushali Maindad along with Mahenoor Khan, Advocate for the Applicant.

Mr. Amol Choubal, Advocate for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd JANUARY, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for respondent.
2. Learned counsel for the applicant submitted that respondent has filed petition for divorce against applicant, which is pending before the Civil Judge, Senior Division at Kalyan. Learned counsel further submitted that applicant has filed proceedings under Domestic Violence Act against respondent which is pending at JMFC at Ulhasnagar. She submitted that the applicant stays at Pune. Both the proceedings be transferred to Pune as the applicant is finding it difficult to attend the court dates at Ulhasnagar and Kalyan.

3. Learned counsel for the respondent-husband submitted that the divorce petition is at the stage of final hearing. The proceeding under Domestic Violence Act was filed by the applicant when she was staying at Ambernath. Hence, requested to reject the application.

4. Learned counsel for the applicant, on instructions, submitted that the applicant would not press for transfer of marriage petition pending before Civil Judge, Senior Division at Kalyan, as it is at the stage of final hearing but proceeding under Domestic Violence Act filed by the applicant, which is pending at Ulhasnagar Court be transferred to JMFC Kalyan as both the matters would be under one roof and it would be convenient for the applicant to attend the court dates.

5. Considering the submissions of both learned counsel, I pass following order :

1. The application is partly allowed.
2. The application under Domestic Violence Act bearing No. 198 of 2022 which is pending at JMFC, Ulhasnagar, be transferred to JMFC at Kalyan.

(SHIVKUMAR DIGE, J.)