



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION (TR.) NO. 252 OF 2024

Rahul S/o. Arun Rahate

Vs.

Ankita W/o. Rahul Rahate

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Ms. Jyoti D. Dharmadhikari, Advocate for the Applicant.

Mr. M.P. Suryawanshi, Advocate for the Non-applicant.

CORAM : G. A. SANAP, J.

DATED : 19th JULY, 2024.

1. Heard learned advocate for the applicant and learned advocate for the non-applicant. Perused the record and proceedings.

2. This application has been made by the applicant seeking transfer of Criminal Miscellaneous Application No.4537/2022, filed under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, "the D.V. Act"), pending on the file of Additional Chief Judicial Magistrate, Nagpur, to Family Court No.2, Nagpur, where the petition for divorce, filed by the applicant/husband, is pending.

3. Learned advocate for the non-applicant submits that the prayer for transfer may be granted. Learned advocate further submits that the learned Judge of the Family Court, on transfer, may be requested to dispose of both the cases expeditiously and in any case within a period of six months.

4. As far as the issue of the jurisdiction of the Family Court to try the D.V. Act proceeding is concerned, it has been held by this Court in *Criminal Application [APPLN] No.19/2024 [Nachiket S/o. Rajendra Deshpande & Ors. Vs. Smt. Pradnya W/o. Nachiket Deshpande @ Ms. Pradnya D/o. Purushottam Bhulgaonkar, decided on 24.06.2024]*. In view of this, I proceed to pass the following order:

ORDER

- i] The Application is **allowed**.
- ii] The proceeding of Cri. Misc. Application No.4537/2022 (*Sau. Ankita Rahul Rahate Vs. Shri Rahul Arun Rahate and anr.*) be withdrawn from the Court of Additional Chief Judicial Magistrate, Nagpur, and transferred to Family Court No.2, Nagpur.
- iii] The Principal District and Sessions Judge, Nagpur shall withdraw the said proceeding from the file of Additional Chief Judicial Magistrate, Nagpur, and transfer it to the file of Principle Judge, Family Court, Nagpur.
- iv] The Principal Judge, Family Court, Nagpur, on receipt of the proceeding, shall make over it to Family Court No.2, Nagpur.
- v] The D.V. Act proceeding, on transfer, be clubbed with Hindu Marriage Petition No.642/2023.
- vi] Learned Judge, Family Court No.2, Nagpur, shall dispose of both the proceedings expeditiously and in any case within a period of six months.

vii] The application for interim maintenance made in the D.V. Act proceeding shall be decided within a period of three weeks from the date of the transfer of the proceeding.

viii] The Application stands disposed of in the aforesaid terms. No order as to costs.

(G. A. SANAP, J.)

Vijay