

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 441 OF 2024

ANAND
SUDHAKAR
SUDAME

Tushar Arun Luktuke

..Applicant

Versus

Rutuja Tushar Luktuke

..Respondent

Digitally signed by
ANAND SUDHAKAR
SUDAME

Date: 2025.12.17
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Mr. Abhijit Sarvate, Advocate, for the Applicant

Mr. Kunal V. Phoole, Advocate, for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 12.12.2025

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1. By the present transfer Application, the Applicant is seeking transfer of the D. V. proceeding filed by the Respondent seeking relief under Sections 17 to 23 of the Protection of Women from Domestic Violence Act, 2005 (for short “**D. V. Act**”).

2. There is a daughter born out of the wedlock of the Applicant with the Respondent who is 19 years old and son is 13 years old. Both the children are in the custody of the Respondent – wife.

3. I have explained to the learned Counsel for the Applicant that I have taken a view in *Misc. Civil Application No. 239 of 2024 (Jyoti Abhijeet Kandage vs. Abhijeet Narayan Kandage & Ors.)* that in the D. V. Complaint filed by the aggrieved party seeking relief apart from

Sections 18 to 22 of the Protection of Women from Domestic Violence Act, 2005 (for short “**D.V.Act**”) then such proceeding cannot be transferred and be heard under Section 26 of the D. V. Act by the Family Court.

4. Mr. Sarvate after seeking a short keep back to take instructions from his client, on second call insisted upon hearing of the proceeding and also seeking leave from this Court to argue the matter on merits, by showing certain more Judgments passed on this issue.

5. Considering all the Judgments on the issue, I have decided the proceedings in *Jyoti Abhijeet Kandage* (Supra). Based on the said view, I have decided the proceedings in *Amey Laxminarayan Pant vs. Devyani Harishchandra Tiwari* passed in *MCA No. 393 of 2025*. The said order is challenged before the Supreme Court. However, the Supreme Court by it's order dated 02.12.2025 though have issued notice but stay has been granted only to the cost imposed in the order dated 10.11.2025.

6. In view of the same, the Miscellaneous Civil Application **stands rejected**.

(RAJESH S. PATIL, J.)