



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

CRIMINAL APPLICATION (APLN) NO. 80 OF 2024

Mrs. Jyoti Nitin Dhakate Vs Mr. Nitin Ramesh Dhakate

AND

CRIMINAL APPLICATION (APLN) NO. 82 OF 2024

Mrs. Jyoti Nitin Dhakate Vs Mr. Nitin Ramesh Dhakate

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.P Raghute, counsel for applicant/s both the applications.

Mr. S.R. Kadam, counsel for non-applicant both the applications.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/02/2025.

1. By these applications, the applicant is seeking transfer of the matrimonial proceeding bearing Misc. Application No. 3080/2022 pending before the 7th Joint Civil Judge, Junior Division, Pune, and Criminal Misc. Application No. 24/2024, pending before the District Judge-16, Pune, to the Court of Civil Judge, Senior Division, Nagpur, as well as District and Sessions Judge, Nagpur.

2. As per contention of the applicant that she has filed these applications under Sections 12, 18, 19, 20, 22 and 23 under the Protection of Women from Domestic Violence Act, 2005. At the relevant time, she was residing in Pune, and therefore, she filed these applications in Pune. Now, she left Pune, and she is residing in Nagpur.

The distance between Nagpur and Pune is more than 700 km; she is also facing the financial crisis. There is no body to look after her as well as to escort her. She is also suffering from various ailments, due to which she is unable to travel. Considering all these aspects, both the proceedings be transferred to Nagpur in the Civil Judge, Senior Division, as well as District Judge, Nagpur.

3. The said applications are strongly opposed by the non-applicant on the ground that these applications are filed by the applicant at Pune, and now she left Pune and started residing at Nagpur, which is not a sufficient ground to transfer the applications. He further raised the apprehension that tomorrow she will again shift to any other place, and he filed an application, and the non-applicant has to move from one place to another place. In these circumstances, the applications deserves to be rejected.

4. After hearing both sides and on perusal of the documents on record, it reveals that now applicant left Pune and started residing in Nagpur. The distance between Nagpur to Pune is more than 700 k.m. Admittedly, when considering the transfer application, the convenience of the wife is to be looked into.

5. Learned counsel for the applicant placed reliance on the decision of ***Ankita Bhati Vs Dev Raj Singh Bhati [Transfer Petition (Civil) No. 1770 of 2021 decided on 13/07/2023]***, wherein also the Hon'ble Apex Court has

considered this issue and transferred the application. There is a consistent view that the convenience of the wife in a matrimonial dispute is to be looked into. The Hon'ble Apex Court has already dealt with this issue in the case of *D. Raja Rajeswari vs R. Sathish Kumar [(2022) 2 SCC 329]*, wherein it is held that multiple proceedings between the same parties are transferred and the consolidation of all proceedings before one court when warranted and while answering this question, the Hon'ble Apex Court held that it is in the interest of justice that all matters be heard by the same Court and the same matter be transferred by considering the convenience of the wife. Thus, the convenience of the wife is to be looked into, and in view of those observations, the applications deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The Criminal Applications are allowed.
- b] The proceedings, i.e. Misc. Application No. 3080/2022 filed before the 7th Joint Civil Judge, Junior Division, JMFC Pune, is hereby withdrawn and transferred to the Civil Judge Senior Division (DV Special Court), Nagpur, for disposal.

The criminal Misc. Application No. 24/2024, which is pending before the District Judge-16, Pune, is hereby withdrawn and

transferred to District and Sessions Judge,
Nagpur.

c] Both parties shall appear before the
concerned Court on 28/02/2025.

6. Both the applications are disposed of.

[URMILA JOSHI-PHALKE, J.]