



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

934 MISC.CIVIL APPLICATION NO. 7 OF 2026

UNATTI ABHISHEKH KULKARNI (WARPHALKAR) @ UNNATI
BALASAHEB NEB

VERSUS

ABHISHEKH SHARADRAO KULKARNI (WARPHALKAR)

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Ms Aummaheshwari Sahebrao Jadhav, Advocate for Applicant
Mr. V. C. Patil, Advocate the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 25, 2026

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the non-applicant, at length.
2. By the present application under Section 24 of the Code of Civil Procedure, the applicant / wife is seeking transfer of matrimonial proceeding bearing H.M.P No.K-18 of 2025 (Abhishek Kulkarni Vs. Unatti Kulkarni), from the file of learned Civil Judge, Senior Division, Jalna to the file of learned Family Court, Nanded.

3. On face of record, it prima facie appears that the marriage between the applicant and the non-applicant was solemnized on 04.06.2021 as per the customs and rites prevailing in their society. After the marriage, the applicant cohabited with the non-applicant, however, soon after one year, she was driven out of her matrimonial house and compelled her to reside at her parental house., may be due to raising domestic violence and cruelty. On face of record, it further appears that Crime No.353 of 2024 was already registered against the present non-applicant with Bhagyanagar Police Station, Nanded, for the offence punishable under Section 498-A, 323, 504, 506 read with Section 34 of I.P.C and after filing of the charge-sheet, the trial is pending on the file of learned 4th J.M.F.C., Nanded. So also, the applicant / wife has filed the proceeding under Section 18 of the Hindu Adoptions And Maintenance Act and the said matter is pending before the Family Court, Nanded. The non-applicant / husband is already attending both the proceedings before the learned Family Court, nanded and J.M.F.C., Nanded. However, the non-applicant has filed H.M.P No.K-18 of 2025 under Section 13(1) of Hindu Marriage Act and prayed for decree of divorce.

4. Admittedly, as on today, no issues are blessed to the applicant and the non-applicant out of the said wedlock. The non-applicant is working with a private establishment, whereas the applicant has no source of income, so also she is unable to travel alone from Nanded to Jalna to attend H.M.P. No.K-18 of 2025. Therefore, considering the law laid down by the Hon'ble Supreme Court in *N.C.V. Aishwarya v. A.S. Saravana Karthik Sha (Civil Appeal No. 4894 of 2022)*, by order dated 18/07/2022, I am of the view that the present application deserves to be allowed. Accordingly, I proceed to pass the following order:-

ORDER

- (i) The Miscellaneous Civil Application is allowed.
- (ii) The proceedings of H. M. P. No.K-18 of 2025 pending on the file of learned Civil Judge, Senior Division, Jalna, is hereby withdrawn and transferred to the file of learned Family Court at Nanded.
- (iii) This order be communicated to both the Courts.

[Y. G. KHOBRAGADE, J.]