IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 62 OF 2026

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Pooja Tushar Divekar & Anr. … Applicants
V/s.
Tushar Santaram Divekar … Respondent

Ms. Sampada Patil with Mr. Abhay A. Jadhavar for the Applicants.

Mr. Akshay Jagtap with Mr. Sanket Chougule for the Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATED : OCTOBER 9, 2026

P.C.:

1. Heard Ms. Sampada Patil, learned Advocate for the Applicants, and Mr. Akshay Jagtap, learned Advocate for the Respondent.

2. By the present Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicants have sought the following substantive relief:

> "a) The proceedings of Petition A. No. of 2025 filed before the Family Court Kolhapur, At – Kolhapur be transferred from Ld. Family Court Kolhapur, At – Kolhapur, to the Family Court Sangli, At – Sangli, having jurisdiction to try and entertain the matter."

3. Ms. Sampada Patil, learned Advocate for the Applicants, states that Applicant No. 1 (wife) is seeking transfer of the proceedings from

Kolhapur to the Sangli Court on two grounds: first, that Applicant No. 1 is unemployed and is the sole caregiver of Applicant No.2 (minor child) and second, that the distance from Kolhapur to Sangli is 45 kilometres. She further submits that Applicant No. 1 has filed proceedings under the Domestic Violence Act, 2005, before the Judicial Magistrate First Class at Sangli, wherein the Respondent has engaged an Advocate and appears on a regular basis.

4. Mr. Akshay Jagtap, learned Advocate for the Respondent, states that the Respondent is a driver by occupation and is ready to give an amount towards the maintenance of Applicant No.2 (minor child) as a responsible father. He submits that the request made by the Applicants for transfer is mala fide. To elaborate, he submits that the distance from Sangli to Kolhapur is hardly 45 kilometres and is well connected by road transport.

5. Ms. Sampada Patil, learned Advocate for the Applicants, on instructions from Applicant No. 1, has declined the offer made by the Respondent to give a certain sum towards the maintenance of Applicant No.2 (minor child) and she insists on the transfer of the proceedings.

6. In view of the rigid stand taken by the Applicant No.1, wherein the Applicant No.1 has declined the offer of maintenance for the Applicant No.2, Mr. Akshay Jagtap, learned Advocate for the

Respondent, on instructions from the Respondent, who is present in Court, in all fairness, states that Petition A No. 291 of 2025 filed by him before the Family Court, Kolhapur, be transferred to the Family Court, Sangli.

7. In view of the fair stand of the Respondent, without going into the merits of the purported claim of inconvenience made by the Applicant No.1, this Application is allowed in terms of prayer clause (a). Consequently, Petition A No. 291 of 2025 is withdrawn from the Family Court, Kolhapur, and transferred to the Family Court at Sangli.

8. Mr. Akshay Jagtap, learned Advocate for the Respondent, submits that the Family Court at Sangli is equipped with video conferencing facilities and that the Respondent shall apply to the Court for appearance through VC. If such an application is made, the same be considered by the Family Court, Sangli.

9. Miscellaneous Civil Application No. 62 of 2026 stands disposed of.

(ASHWIN D. BHOBE, J.)