

Corrected vide order dated 7/5/2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 334 OF 2025

Pratiksha Srinivas Rathod @ Pratiksha Namdev Pawar ... Applicant

Versus

Savita Vinayak Rathod and another ... Respondents

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MISCELLANEOUS CIVIL APPLICATION NO. 333 OF 2025

Pratiksha Srinivas Rathod @ Pratiksha Namdev Pawar ... Applicant

Versus

Shri Srinivas Vinayak Rathod ... Respondent

Mr. Darshan Singh Rajpurohit h/f Mr. Ritesh Thobde, for Applicant.

Mr. Arjun Pawar (through V.C.), for Respondents.

CORAM : M. W. CHANDWANI, J.

DATE : 18th APRIL, 2026.

P. C. :

1. Heard, Mr. Rajpurohit, learned counsel appearing for the Applicant and Mr. Pawar, learned Counsel appearing for the Respondents.

2. In both the Miscellaneous Civil Applications (for short, “M.C.As”), the the Applicant is same and the issue involved is identical; hence, both M.C.A.s’ are being disposed of analogously.

3. In M.C.A. No.334 of 2025, the Applicant seeks transfer of proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short, “D.V. Act”) bearing PWDVA No.782 of 2023 from the J.M.F.C Court, Pune to the Competent Court at Solapur. Further, in M.C.A. No.333 of 2025, the Applicant seeks transfer of Hindu Marriage Petition No.36 of 2025 pending before the Family Court, Pune to the Family Court at Solapur.

4. The Applicant in both the Applications is the legally wedded wife of the Respondent in M.C.A. No.333 of 2025. The Applicant has initiated proceeding under Section 498-A of the Indian Penal Code, 1860 which is presently pending before the learned Judicial Magistrate First Class at Solapur. In addition thereto, the Applicant has also instituted proceedings under the provisions of the D.V. Act as well as an Application for maintenance under Section 125 of the Criminal Procedure Code, 1973, both of which are pending adjudication before the competent Court at Solapur. Thus, there are in all three proceedings initiated at the instance of the Applicant, in which the Respondents are required to attend before the Courts at Solapur.

5. The Respondent in M.C.A. No.333 of 2025 has instituted the Petition for Divorce bearing Hindu Marriage Petition No.36 of 2025 pending before the Family Court at Pune, while the Respondents in M.C.A. No.334 of 2025 have separately initiated proceedings under the D.V. Act before the Court of the learned Judicial Magistrate First Class at Pune bearing PWDVA No.782 of 2023.

6. It is contended by the learned counsel for the Applicant that, the journey from Solapur to Pune takes approximately five hours each way. The Applicant is a young lady, and her father is an auto driver; hence, it would be extremely difficult for her to attend the proceedings at Pune.

7. The Application is opposed on the ground that the Respondents are willing to bear to-and-fro travel expenses for attending the proceedings at Pune.

8. It appears that three proceedings are pending at Solapur Court in which the Respondents appear. Further as held by the Hon'ble Apex Court in case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha**¹, convenience of the wife is required to be taken into consideration while considering transfer of cases.

1 2022 SCC Online SC 1199

9. The Applicant is a young lady, and her father, being an auto-rickshaw driver who earns his livelihood on a daily basis, is not in a position to accompany the Applicant at all times. Considering all these circumstances, a case is made out for transfer of the PWDVA NO.782 of 2023 and H.M.A. No.36 of 2025.

10. Needless to mention that the Respondent may appear through video conferencing by requesting the concerned court if said facility is available.

11. Hence, both the Miscellaneous Civil Application are allowed;

(a) The PWDVA No.782 of 2023 pending before the learned Judicial Magistrate First Class, Pune be transferred to the ***JMFC, Solapur.**

(b) Hindu Marriage Petition No.36 of 2025 pending before the Family Court, Pune be transferred to the Family Court at Solapur.

12. The Applications stand disposed of.

[M. W. CHANDWANI, J.]