

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 338 OF 2025

ANAND
SUDHAKAR
SUDAME

Roshan Ravindra Rane & ors.

..Applicants

Versus

Sharvari Roshan Rane

..Respondent

Digitally signed by
ANAND SUDHAKAR
SUDAME

Date: 2025.12.01
20:25:18 +0530

Mr. Shashank Shubham i/b. Mr. Yogen Kakade, Advocates, for the
Applicants

CORAM : RAJESH S. PATIL, J.

DATE : 28.11.2025

P C.

1. Learned Counsel for the Applicants has filed two Affidavits of service to prove that the Respondent has been duly served. Though served, none appears for the Respondent. Hence, I am proceeding further with the hearing of the Application.

2. By an Order dated 14.11.2025, I have rejected prayer clause (b). Hence, the Application has to be heard only with regard to prayer clause (a). The said Order dated 14.11.2025 for ease of reference is reproduced herein below.

“1) Office remark shows that the service report is awaited.

2) Mr.Shubham, learned advocate i/b. Mr.Kakde submits that affidavit of service has been filed. He submits that the respondent has been duly served. None appeared for the respondent when the matter is called out.

3) *In the present transfer proceeding, two prayers have been prayed. Prayer clause (a) seeks transfer of the marriage petition filed by the applicant(husband) from the Court of Civil Judge Senior Division, Pune to the Family Court at Pune. He submits that before the Family Court, Pune, Section 9 petition filed by the respondent-wife is already pending and both the proceedings can be clubbed together and to be heard by one and the Single Judge.*

4) *Prima facie, without hearing the other side, I am of the view that the prayer clause (a) can be considered. As regards prayer clause (b), the applicant-husband is seeking transfer of the D.V. proceedings filed by the wife before the Judicial Magistrate First Class, Pune to the Family Court, Pune.*

5) *I have already taken up view that it is only aggrieved person (wife) who can file the proceeding seeking transfer under Sections 18 to 22 of the Domestic Violence Act before the Family Court. In the present proceedings, the respondent-wife has already filed D.V. proceedings seeking relief under Sections 16 to 23. Therefore, if a party is seeking relief under Section 16 and also under Section 23, apart from other sections under which reliefs are sought, in my view, such proceeding cannot be filed and/or transferred to the Family Court. It is only the Magistrate Court under Section 12 who can hear this proceeding. Therefore, the proceeding filed by the aggrieved person (wife) under Section 12 is rightly filed before the Magistrate Court. Hence, prayer clause (b) stands rejected.*

6) *Only to hear the respondent as far as the prayer clause (a) is concerned, stand over to 28 November, 2025.*

7) *In the meanwhile, till the next date of the hearing, further proceedings of Marriage Petition No. 714 of 2023 and Petition No. A-2058 of 2022 are stayed.*

8) *Learned counsel for the applicant is hereby directed to convey the order passed today to the concerned Court who is hearing the matrimonial proceedings and file affidavit to that effect within a period of two weeks from*

today.

9) Similarly, Registrar (Judicial-I) is hereby directed to communicate the order passed today to the Registrar of the concerned Court by E-mail.”

3. Now, the Applicant is only seeking to transfer his divorce proceedings pending before the learned CJSD, Pune to the Family Court, Pune and to be heard along with the Application for restitution of conjugal rights filed under Section 9 of the Hindu Marriage Act, 1955 by the Respondent – wife on 02.11.2022. Thereafter, the Applicant – husband has filed a divorce Petition on 04.05.2023.

4. Both the proceedings are filed in Pune City. The husband is seeking divorce while the wife wants to stay along with the husband and therefore, she has filed the Application for restitution of conjugal rights. I am of the opinion that the present Application can be allowed in terms of prayer clause (A) by clubbing both the proceedings together.

5. The Miscellaneous Civil Application stands allowed in terms of **prayer clause (A)**.

6. The Marriage Petition No. 714 of 2023 be transferred to the Family Court No. 6, Pune within a period of four weeks from today and to be heard along with the Petition No. A-2058 of 2022.

(RAJESH S. PATIL, J.)