

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 457/2025****ROHAN ANANT PAKHURDE****..... APPLICANT****VERSUS****MADHURA MOHAN RANE****..... RESPONDENT**

Adv. Akram Kapoor a/w. Adv. Krishna Jariwala for the Applicant.

CORAM : RAJESH S. PATIL, J.**DATE : 28 JANUARY, 2026****P.C. :-**

1) Service report is awaited. Stand over to 25 February, 2026.

2) At this stage, at post lunch, learned advocate Mr.Akram Kapoor learned advocate appearing for the applicant mentioned this matter and insisting to hear the matter and granting *ad-interim* relief.

3) This Miscellaneous Civil Application was filed on 12 December, 2025, and on 16 December 2025, the matter was on board before this Court when after hearing Mr.Ashraf Kapoor, this Court had issued notice to the respondent. The said order reads as under :-

1) It is the case of the applicant, the husband of the respondent that the marriage between the parties lasted only for a period of six months. There are no issues born out of this

marriage. Both the parties are from Mumbai City. However, for the purpose of work, the applicant is staying in Pune and the respondent is working in the Reserve Bank of India at its Bangalore Office. The applicant has filed divorce proceedings before the Family Court at Bandra, Mumbai and the respondent has filed the DV proceedings before the Court of Metropolitan Magistrate at Vikhroli. He is seeking transfer of the DV proceedings from Metropolitan Magistrate Court, Vikhroli to the Family Court at Bandra, Mumbai, and to be heard alongwith the divorce proceedings of the applicant husband.

2) Issue notice to the respondent, returnable on **27 January, 2026**.

3) Apart from the Court notice, the applicant is permitted to serve the respondent by private notice, by all permissible modes of service and file affidavit of service before the next date of the hearing.

4) A statement was made by Mr. Ashraf Kapoor that the respondent is working in Bangalore City. Today, a statement is made by advocate Mr.Akram Kapoor on instructions of his client who is present in Court that the respondent is working in Mumbai City from March 2025.

5) Therefore, admittedly, a wrong statement was made by advocate Mr.Ashraf Kapoor on 16 December, 2025 pursuant to which I had issued notice to the respondent.

6) In the present proceedings, the applicant who is the husband of the respondent, is seeking transfer of D.V. proceedings filed by the respondent before the 34th Metropolitan Magistrate Court,

Vikhroli to the Family Court at Bandra. The only reason for seeking a transfer is that there is possibility of contradictory view taken by the Court while deciding the DV proceedings and the Court while hearing the divorce proceedings.

7) I have already held in ***Misc. Civil Application No. 239 of 2024 (Jyoti Abhijeet Kandage vs. Abhijeet Narayan Kandage & Ors.)*** that reliefs under Sections 18 to 22 of the Domestic Violence Act, can even be sought by aggrieved person before the Family Court under the provisions of Section 26 of the Domestic Violence Act. Paragraphs 15 and 15.2 read as under:

15) Considering the Sections of D.V. Act, and the Judgments discussed in the above paragraphs, it becomes evident that Family Court has power to decide complaint which seeks relief under Sections 18 to 22 of the D.V. Act. Hence in my opinion, transfer of proceedings from Magistrate's Court to Family Court pertaining to relief claimed under Section 18 to 22 of the D.V. Act can be allowed. However, if a transfer proceedings is not a bonafide one, then on merits such a transfer on case to case basis can be rejected. One has to also keep in mind the stage of the proceedings of which transfer is sought.

15.2) So also, one has to also keep in mind who is coming to the court for the transfer of the proceedings, whether it is the Wife or the Husband or any other party. Since a choice is given to the aggrieved person under the D.V. Act to choose the forum for reliefs sought under Section 18 to 22, (i.e.) before the Magistrate under Section 12 or to the civil court, family court or criminal court under Section 26, such transfer if sought by a Wife, considering the judgment of the Supreme Court in the case of ***N.C.V Aishwarya*** (supra) will have to be considered favourably.

[Emphasis supplied]

8) While deciding the judgment of ***Jyoti Abhijeet Kandage*** (supra), I have considered all the judgments delivered by the learned

Single Judge of this Court.

9) As held by me in case of *Jyoti Abhijeet Kandage* (supra) and considering the facts of the present case, where the learned advocate appearing for the applicant has made false statement that the respondent is working in Bangalore, while today they have admitted that from March 2025, she is staying in Mumbai.

10) In view of the same, the present **Miscellaneous Civil Application stands** rejected with cost of Rs.50,000/- to be paid within a period of four weeks to the respondent.

(RAJESH S. PATIL, J.)