



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**MISC. CIVIL APPLICATION NO. 2/2026**

**MR. JAIPRAKASH RENGARAJAN  
VS  
MRS. ANURADHA JAIPRAKASH**

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Adv. Santosh Kyadiguppi for the applicant.  
None for the respondent.  
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**CORAM : RAJESH S. PATIL, J.**

**DATE : 13 JANUARY 2026.**

**P.C. :**

**1)** Mr. Santosh Kyadiguppi, learned counsel appearing for the applicant submits that the applicant is paying for the entire education expenses of the son who was staying at United Kingdom and is now come back. So also, the applicant is paying towards maintenance expenses to respondent-wife around Rs.10,000/- per month.

**2)** As I was dictating this order, learned counsel appearing for the applicant now states that he wants to correct the submission made by him. He states that husband is taking care of the expenses of the flat in which the respondent is staying. Hence, according to him, he is paying Rs.10,000/- to the respondent.

**3)** By the present transfer proceedings, the applicant is seeking

transfer of the domestic violence complaint filed under Section 12 by the respondent before the Judicial Magistrate First Class at Thane to the Civil Judge Senior Division, Thane.

**4)** The grounds on which the domestic violence proceedings transfer has been sought by the applicant-husband is that he has already filed divorce proceeding before the Civil Judge Senior Division, Thane, and hence, the domestic violence complaint filed by the wife can be transferred to the Civil Judge Senior Division, Thane and be heard together with divorce proceedings filed by him. Therefore, the parties can lead evidence in one matter and not in two different matters, and hence, time of parties and of Courts can be saved.

**5)** I have already taken a view in *Misc. Civil Application No. 239 of 2024 (Jyoti Abhijeet Kandage vs. Abhijeet Narayan Kandage & Ors.)* that it has to be seen at what stage of the proceeding, the transfer is sought. 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)

**6)** In the present proceeding, learned counsel appearing for the applicant has misled this Court initially by stating that his client is paying more than Rs.10,000/- to the respondent. However, when I was dictating the order, he tried to take back his submission and state that his client is paying maintenance of the flat in which the respondent is staying.

**7)** Considering the view taken by me in *Jyoti Abhijeet Kandage* (supra), I find no merits in the present Misc. Civil Application. Hence, the same requires to be rejected.

**8)** Present Misc. Civil Application stands **rejected**.

(Rajesh S. Patil, J.)