



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 76/2026

SAU. MADHAVI SOMNATH THAKRE
AFTER MARRIAGE NEE MADHAVI M
TUPE BEFORE MARRIAGE ..APPLICANT
VS
SHRI SOMNATH NAMDEV THAKRE & ORS. ..RESPONDENTS

Adv. Deepa S. Punde i/b. Adv. Sachin S. Punde for applicant.
None for the respondents.

CORAM : RAJESH S. PATIL, J.

DATE : 6 MAY 2026.

P.C. :

1) Ms. Punde, learned counsel appearing for the applicant tendered affidavit of service dated 25/3/2026 filed by her registered clerk. She submits that the respondent no.1 (husband), respondent no.2 (father-in-law), respondent no.5 (brother-in-law) and respondent no.6 (wife of the brother-in-law) are served by a packet sent by the speed post. As regards packet addressed to respondent no.3 (mother-in-law) and respondent no.4 (sister-in-law) has returned with postal remark “unclaimed”. She submits that all the respondents have been duly served.

2) None appears for the respondents, when the matter is called

out for hearing. It seems that the respondents are not interested in appearing in the present proceedings, hence, I proceed further to hear the present MCA.

3) By the present application, the applicant, wife of the respondent is seeking transfer of her own DV proceedings pending before the JMFC, Pune Cantonment Court to the Family Court, Pune, where the husband's divorce proceedings are pending.

4) It is the case of the applicant-wife that her husband is at present staying and working in Kuwait, UAE. It is further submitted that the husband has filed the divorce proceeding before the Family Court, Pune and the applicant has filed the domestic violence proceeding before the JMFC, Pune Cantonment Court under the provisions of Section 12 of the Domestic Violence Act. She submits that such proceedings can be transferred from the JMFC, Pune Cantonment Court to the Family Court, Pune and should be heard along with the divorce proceedings filed by the respondent no.1.

5) In the judgment of *Misc. Civil Application No. 239 of 2024 (Jyoti Abhijeet Kandage vs. Abhijeet Narayan Kandage & Ors.)* I have held that reliefs under Sections 18 to 22 of the Domestic Violence Act, can even be sought before the Civil Court, 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)

6) Considering the facts of the present case, where the respondent no.1 is at Kuwait, UAE and the applicant is seeking transfer of her own DV proceeding pending before the JMFC, Pune Cantonment Court to the Family Court, Pune and to be heard along with the divorce proceeding filed by the respondent no.1. In my view, a case is made out to allow this MCA.

7) The present MCA stands **allowed** in terms of prayer clause (A).

8) The proceedings of Criminal Miscellaneous Application No.293/2023, pending before the JMFC, Pune Cantonment Court, be transferred within a period of four weeks from today to the Family

Court at Pune and to be heard along with divorce proceeding i.e. P.A.No.1631/2023.

9) Both the proceedings be heard by one and the same Judge.

10) Learned counsel for the applicant is hereby permitted to convey the order passed today to the JMFC, Pune Cantonment Court, Pune.

11) Similarly, **Registrar (Judicial-I)** is hereby directed to communicate the order passed today to the Registrar of the JMFC, Pune Cantonment Court, Pune, by E-mail.

12) All concerned to act on an authenticated copy of this order.

(Rajesh S. Patil, J.)