

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 78 OF 2026

Vivek Vasant Garad ... Applicant

V/s.

Kanchan Vivek Garad Alias
Kanchan Kisanrao Kotkar ... Respondent

Mr. Abhishek Patil for the Applicant.

None for the Respondents.

CORAM : RAJESH S. PATIL, J.

DATED : 7th March, 2026

P.C.:

1. By the present transfer application Applicant, husband of the Respondent is seeking transfer of his petition filed under Section 9 of Hindu Marriage Act, 1955, pending before the Family Court at Pune, to the Civil Judge Senior Division Rahata, Dist. Ahmednagar.

2. This Miscellaneous Civil Application is filed on the ground that the Respondent-wife has filed Divorce Petition under Section 13 (1) (ia) of the Hindu Marriage Act before the Civil Judge Senior Division, Rahata, Ahmednagar. Learned Advocate has fairly submitted that marking of the documents in the proceedings before Civil Judge Senior Division, Rahata has been done and now the matter is posted for evidence to be led by the parties. As far as, Section 9 petition filed by the Applicant-Husband is concerned, the same was on board today under the caption "No Cross".

3. In the judgment of *Jyoti Kandage vs Abhijeet Narayan Kandage & Others in Miscellaneous Civil Application 239 of 2024*, I have already held that while hearing transfer petition, the convenience of the wife has to be seen and it is also important to see the stage of the proceedings. Paragraph No. 15 reads 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.

[Emphasis supplied]

4. Considering the law laid down in the above judgment and the facts of the present case, I find no merits in the present Miscellaneous Civil Application and the same stands **dismissed**.

5. The **Registrar (Judicial - I)** will communicate this order to the **Joint Civil Judge Senior Division, Rahata, Dist. Ahmednagar** and to the **Family Court at Pune, via E-mail**.

(RAJESH S. PATIL, J.)