

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

CRIMINAL APPLICATION NO.528 OF 2015

Mr.Siddhesh G. Kadane & Ors.

..Applicants

V/s.

Mrs.Snehal S. Kadane & Anr.

.. Respondents

Mr.P.G. Sawant, for the applicant/appellant.

Mr.Sandeep Dere & Mr.Anand D. Gugale, for the respondent.

Mrs.P.P. Bhosale, APP for the Respondent-State.

CORAM : A. R. JOSHI, J.

DATE : 15th OCTOBER, 2015.

P.C.

1. Heard rival submissions on this application for transfer preferred by the applicants. The applicants are original respondents in the matter of application filed by the present respondents before JMFC, Sangli, for taking action against present applicants under the provisions of Protection of Women from Domestic Violence Act, 2005.

2. After hearing the learned counsel for the applicants/original respondents, it is ascertained that during pendency of the application under Domestic Violence Act preferred by the respondents, an application was made by these

applicants before JMFC, Sangli challenging the jurisdiction of the Court. Said application was heard and JMFC, Sangli deferred the final decision on the said application till the conclusion the matter under Domestic Violence Act. As such apparently the jurisdictional issue has not been put to rest and it is still open. This is infact the main ground taken by the applicants for transfer of the said proceeding from JMFC, Sangli to the appropriate M.M.Court, Mumbai. However, learned counsel for the applicants and learned counsel for the respondents had stated before Court that if said issue of jurisdiction of the JMFC, Sangli is finally heard and decided at the peremptory stage prior to deciding the application of the present respondents under the Domestic Violence Act, on merits, it could serve the purpose as the said jurisdictional issue can be put to rest by the same Court and then an opportunity could be available to either party to take the matter before the higher Court.

3. In view of the submissions of the counsels, as detailed above, the present application is allowed to be withdrawn as requested by the learned counsel for the

applicants, with direction to the concerned JMFC Court, Sangli to dispose of the application preferred by the present applicants, then respondents, challenging the jurisdiction of the said Court. As such, present application is disposed of. Directions are given to the concerned JMFC, Sangli to decide the issue of jurisdiction as raised by the applicants herein/respondents in the said matter. Needless to mention that the said issue of jurisdiction is to be decided in accordance with law and after allowing both the parties to be heard on the submissions on the application and the opposition. Needless to mention that the said application for challenge to the jurisdiction shall be expeditiously disposed of by giving order whether the Court has jurisdiction or not. Present order be communicated to the concerned Court by the present applicants. Accordingly present proceeding is disposed of.

(A. R. JOSHI, J)