

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

MISC.CIVIL APPLICATION NO. 305 OF 2015

Mrs.Rebecca Smith

...Applicant

vs.

Mr.Firdos Mubarak

...Respondent

Mr.M.B. Singh with Ms.Pooja Jalan for Applicant.

Mr.Vivek Kantawala with Ms.Bhairavi Waravdekar with Mr.Amey Patil I/b.
Vivek Kantawala & Co. for Respondent.

**CORAM : S.C. GUPTE, J.
1 MARCH 2017**

P.C.:

Heard learned Counsel for the parties.

2 This MCA seeks transfer of a matrimonial petition, being M.P. No.1/2014, pending before the court of District Judge, Palghar to the Family Court at Bandra.

3 This petition is for divorce, filed by the Respondent against the Applicant. The Applicant's petition for restitution of conjugal rights is pending before the Family Court at Bandra, Mumbai. The petition filed by the Applicant for restitution is admittedly prior in point of time. It is submitted that both petitions involve common questions and common evidence is likely to be led in both the petitions. It is submitted that, in the premises, the Respondent's petition pending before the District Court at Palghar be transferred to the Family Court at Bandra, to be heard along with M.G.P. No.A-1165 of 2014 pending before the latter court. On these

facts, the MCA is allowed in terms of prayer clause (a). The Family Court at Bandra shall hear the transferred petition along with M.G.P. No.A-1165/2014 pending before it.

(S.C. GUPTE, J.)