

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

MISCELLANEOUS CIVIL APPLICATION NO.134 OF 2018

Mercy Jaya Gomendes ..Applicant

vs.

Francisco Xavier Gomendes ...Respondent

Mr. Samarth Raju Moray for the Applicant.

Ms. Nivedita Kundaji i/b Dewani & Associates for the Respondent.

CORAM : A. M. DHAVAL, J.

DATE : 17th SEPTEMBER, 2018.

P.C.:

. Heard learned counsel for the applicant and learned counsel for the respondent. Divorce Petition MJA No.10004/2018 is pending in the 4th Family Court, Bandra. The property dispute regarding ownership of flat is pending in the City Civil Court, Dindoshi.

2. As per section 7(1)(c), the Family Court will have jurisdiction in respect of suit between the parties to marriage with respect of property of the parties or either of them. Considering the common question of law involved between the same parties, it is desirable that both the matters be tried by one and the same Court. Hence, this application under section 24 is allowed.

3. Civil Suit No.808/2018 is hereby transferred from the City Civil Court, Dindoshi to 4th Family Court Bandra. The parties are directed to remain present in Bandra Court on 20/10/2018 when the divorce petition is fixed. The Registrar, City Civil Court, Dindoshi is directed to see

that the Record and Proceedings of the said case reaches the 4th Family Court before the due date.

4. Learned advocate for the opponent has submitted that the City Civil Court, Dindoshi has jurisdiction to conduct the suit. However, considering the nature of controversy, the application is allowed. Civil Application stands disposed of. Miscellaneous Civil Application also stands disposed of.

(A. M. DHAVAL, J.)