

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.284 OF 2017

Mr.Amit Kawatkar

...Applicant

Versus

Mrs.Sheetal Amit Kawatkar

...Respondent

.....

Ms.Jai Vaidya a/w. Ms.Tanvi Wagle for the Applicant.

Ms.Pratibha D. Nachankar i/b. Mr. Umesh B. Waydande for the Respondent.

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CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE : **FEBRUARY 26, 2018**

P.C.:

1. This Application is moved by the applicant/husband for transfer of the proceedings bearing Case No. 419 of 2016 filed by the respondent/wife under the Domestic Violence Act, 2005 from the Metropolitan Magistrates 67th Court, Borivali, Mumbai to the Family Court, Bandra, Mumbai where the Marriage Petition No. A 2925 of 2016 filed under Section 13 1 (i-a) of the Hindu Marriage Act, 1955 for cruelty by the applicant/husband is pending. The respondent/wife has filed two proceedings. First proceeding is filed in the Family Court, Bandra for divorce and the second proceeding is filed in the

Metropolitan Magistrates 67th Court, Borivali, Mumbai under the Domestic Violence Act.

2. The learned Counsel for the respondent/ wife submits that the parents of the applicant/husband are parties in the domestic violence proceedings. She further submits that the respondent/wife is 37 years old as on today and if the matter is not decided early, she is likely to loose her chances of motherhood. She further submits that there are issues in respect of monetary transactions between the parties.

3. The learned Counsel for the applicant/husband submits that that the applicant/husband is ready and open to settle the monetary transactions. She further submits that the if the respondent/wife gives the accounts proof of the monetary transactions, then the applicant/husband is ready to consider the same and settle the matter amicably.

4. Heard submissions. It appears that the respondent/wife claims that she gave cash to the in-laws and, therefore, it is not possible to bring proof of the said amount. However, whatever amount is paid

according to her with proof and without proof, the details of the said amount are to be submitted in the Petition before the Family Court, Bandra. The learned Judge of the Family Court, Bandra to note that in this matter, both the parties are educated and they are financially sound. However, the age of the parties is to be considered. If the matter is not decided at the earliest, the parties will grow older and they may lose future chances of resettlement of their life.

5. In view of these submissions and considering the contents in the application so also affidavit in reply, I am of the view that these two matters are to be taken together before the Family Court, Bandra. Hence, D.V. proceedings bearing Case No. 419 of 2016 filed by the respondent/wife before the Metropolitan Magistrates 67th Court, Borivali, Mumbai is hereby transferred to the Family Court, Bandra where the Marriage Petition No. A-2925 of 2016 is pending. Parties to consider the amicable settlement.

6. With this, Miscellaneous Civil Application is disposed of.

(MRIDULA BHATKAR, J.)