

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVILAPPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO.347 OF 2017

Shri Akshay Navnitlal Shah ... Applicant

Vs.

Smt.Bharati Akshaya Shah & anr. ... Respondents

Mr.A.R. Kapadia for the Applicant

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: APRIL 9, 2018**

P.C. :

1. By this application filed by Respondent No.1 / husband, it is prayed that criminal complaint bearing No.C.C. No.24/DV of 2013 filed before the learned Additional Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, be transferred to the Family Court, Bandra, Mumbai, where the husband and wife are residing in the same house at Andheri. They got married in the year 1980 and they have two children. Both are major and are staying independently.
2. The learned Counsel for the respondent is not present, though served.

3. Heard submissions of the learned Counsel for the applicant. In view of the submissions and considering the facts and circumstances of the case, the C.C. No.24/DV of 2013 is transferred from the Court of the learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai to the 6th Family Court, Bandra, where the divorce petition is pending. The concerned Registrar / Superintendent of Metropolitan Magistrate, 22nd Court, Andheri, Mumbai, is directed to send the papers of criminal complaint on or before 18th April, 2018 so that the proceedings under the Domestic Violence Act are clubbed and heard alongwith divorce petition. Both the proceedings to be listed before the Family Court, Bandra on 20.4.2018.

4. Application is disposed of accordingly.

5. Registrar (Judicial I) to communicate this order to the concerned.

(MRIDULA BHATKAR, J.)