

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

MISC. CIVIL APPLICATION NO. 145 OF 2019

Mrs. Netra Puneet Shah.	..Applicant.
v/s.	
Dr. Puneet Sunil Shah.	..Respondent.

WITH

MISC. CIVIL APPLICATION NO. 86 OF 2019

Dr. Puneet Sunil Shah.	..Applicant.
v/s.	
Mrs. Netra Puneet Shah.	..Respondent.

Mr. Girish Paryani i/b. A & G Legal Associates LLP, advocate for applicant in MCA 145/19 and for respondent in MCA 86/19.

Mrs. Seema Sarnaik, advocate for respondent in MCA 145/19 and for applicant in MCA 86/19.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JANUARY 6, 2020.

P. C. :

1 Heard respective Counsel.

2 It appears from the record that the parties to this petition are married on 15th February, 2009. The couple is

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blessed with two sons. On 24/4/2018 since a discordant note had struck between the parties, the respondent wife was staying with her brother at Shahapur. On 30/6/2018 the petitioner Dr. Shah filed a petition for divorce under section 13(1) of the Hindu Marriage Act at Nashik. That on 7/8/2018 the respondent wife had filed a petition under section 9 of the Hindu Marriage Act seeking restitution of conjugal rights before Civil Judge, Senior Division at Kalyan. Learned Counsel submits that on 28/8/2018 respondent wife had initiated proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 before the Judicial First Class, Shahapur and on 3rd October, 2018 the applicant husband had filed a petition seeking custody of both sons who are about 10 years and 7 years respectively.

3 By the present application vide MCA No. 86/19, applicant is seeking transfer of all the matters to Nashik, whereas learned Counsel for the respondent wife has submitted that from academic year 2020 the respondent wife is going to shift alongwith her maternal family to Mulund, Mumbai.

4 Taking into consideration the facts of the case and

moreover, the fact that all the petitions are at the stage of cross-examination, it would be appropriate in the interest of justice to transfer all the matters to Family Court at Thane.

5 The applicant husband is present in the court and has consented to the same. The respondent wife has also consented for transfer of all the petitions to the Family Court at Thane. Hence, all petitions, HMP No. 1062 of 2018 pending before Civil Judge Senior Division at Kalyan alongwith HMP No. A-408 of 2018 and Petition-D No. 28/2018 pending before Family Court at Nashik and the proceedings in PWDVA Application No. 15 of 2018 pending before Judicial Magistrate First Class, Shahapur are transferred to Family Court at Thane.

6 The Registry is directed to pass appropriate orders directing all the respective courts to transfer the matters to Family Court, Thane within 8 weeks from today.

7 Till then in the interest of justice all proceedings in the above mentioned matters stand stayed.

8 The parties shall appear before the Family Court at

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Thane on 17th March, 2020 through their advocate and seeks appropriate dates for further proceedings. The Applications stand disposed of accordingly.

Parties to act on the authenticated copy of this order as well.

[SMT. SADHANA S. JADHAV, J.]