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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 89 OF 2020

- | | |
|-----------------------------|----------------|
| 1. Sachin Sunil Potdar | |
| 2. Sonali Sunil Potdar | ...Applicants |
| Versus | |
| 1. The State of Maharashtra | |
| 2. Swati Sachin Potdar | ...Respondents |

Mr. Ravindra Vishnu-Laxmi Sankpal i/b R.V.Sankpal and Associates for the Applicants.

Ms. P.P.Shinde, A.P.P for the Respondent No.1-State.

Mr.Amey Mahadik i/b Ms. Sunita Khamkar for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.
DATE : 3rd AUGUST, 2021

P.C. :

1. By this application, the Applicants seek transfer of the D.V.Proceedings bearing PWDVA No. 84 of 2019 filed by the Respondent No.2 in the 73rd Metropolitan Magistrate Court, Vikhroli, Mumbai, to the Family Court, Bandra.

2. Learned Counsel for the Applicants states that the Applicant No.1 has filed divorce proceedings in the Family Court, Bandra bearing

Divorce Petition No. A-566 of 2020. He submits that the proceedings filed by the Respondent No.2 before the Magistrate Court at Vikhroli, if transferred from that Court to the Family Court, Bandra, no prejudice would be caused to the Respondent No.2.

3. Learned Counsel for the Respondent No.2, on instructions, states that the Respondent No.2 has no objection if the said proceeding i.e. D.V. Proceeding pending before the 73rd Metropolitan Magistrate Court, Vikhroli is transferred from the said Court to the Family Court, Bandra. However, learned Counsel for the Respondent No.2 states that the applications filed in the said proceeding i.e. D.V.Proceeding are pending on the file of the learned Metropolitan Magistrate since 2019 and that, if the said proceedings are transferred to the Family Court, Bandra, the said applications filed in the D.V.Proceedings be decided expeditiously by the Family Court, Bandra.

4. It is not in dispute that, one proceeding i.e. Divorce Case filed by the Applicant No.1 is pending in the Family Court, Bandra and another proceeding filed by the Respondent No.2 in the 73rd Metropolitan Court, Vikhroli. Since, the Respondent No.2 has no objection if the D.V. Proceeding is transferred to the Family Court, Bandra where the Divorce

Proceeding filed by the Applicant No.1 is pending, the application is allowed.

5. Accordingly, PWDVA No.84 of 2019 pending before the 73rd Metropolitan Magistrate Court, Vikhroli, Mumbai is transferred to the Family Court, Bandra, Mumbai, where the Applicant No.1's Divorce Petition No. A-566 of 2020 is pending. On the said D.V.case being transferred, the learned Family Court Judge, Bandra, to decide the pending applications (seeking maintenance) as expeditiously as possible and preferably within four weeks from the case being transferred to the Family Court, Bandra.

6. The application is allowed on the aforesaid terms and accordingly, disposed of.

REVATI MOHITE DERE, J.