

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.88 OF 2021

Kenneth Albert Lobo .. Applicant

Versus

Mrs.Maneesha Lobo .. Respondent

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Mr.Hitesh P. Vyas for the Applicant.

Mr.Prathamesh Bhangude for the Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 29th OCTOBER, 2021

P.C:-

1. Heard learned counsel for the Applicant/Husband, who seeks transfer of the application filed by the Respondent/Wife under the domestic violence proceedings from the 2-II Joint JMFC, Cantonment Court, Pune to the Family Court at Pune. The reliance is placed on the decision of this Court in case of **Sandip Mrinmoy Chakraborty Vs. Reshita Sandip Chakraborty**¹. In the said case, no doubt the proceedings have been transferred to the Family Court, considering the legal aspect that the Family Court is competent to deal with the proceedings under the Domestic Violence Act and in the better interest of the parties, clubbing of the proceedings was ordered to avoid multiplicity and delay in proceedings.

¹ 2018(6)Mh.L.J. (Cri) 499

2. In the present case, it is informed by the learned counsel for the Respondent that in the DV proceedings, the mother of the applicant was cross-examined and her cross-examination is partially complete and the notes of evidence, which are placed on record, reflect that she was cross-examined on 05/10/2018, 15/11/2018 and 18/01/2019. It necessarily conveys that she is in the dock and, is under cross-examination. It is a different aspect that parties somehow got adjourned the proceedings on one count or the other and subsequently, on account of the pandemic, it could not be completed. In such circumstances, when the evidence is partly recorded by one party, I am not inclined to transfer the proceedings at this stage. However, it is made clear that the matter shall not be further prolonged. The witness has stepped into the witness-box in the year 2018 and has been partly cross-examined. In these circumstances, it is directed that the evidence shall be completed within a period of one month from today. Since the Cri.Misc. Application No.818 is filed in the year 2017, the learned Magistrate shall make every endeavour to conclude the proceedings within a period of six months. Further, the Marriage Petition A/1/2018, which is also at the stage of cross-examination, shall also be concluded with the co-operation of the parties within a period of six months from today.

3. With the aforesaid directions, the Misc. Civil Application stands disposed of.

(SMT. BHARATI DANGRE, J.)