

Vivek Khushal Mahajan & Ors. .. Applicants

Versus

Neha Vivek Mahajan .. Respondent

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Mr.Yuvraj Narvankar with Mr.Suraj Kaushik for the Respondent.

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P.C:-

1. The Applicants, by the present Application, are seeking transfer of domestic violence complaint filed by the Respondent/Wife in the Court of the learned Magistrate at Pune to the Family Court at Pune where the Petition No.A-545 of 2020, filed by the husband for a decree of nullity of marriage under Section 12(1)(c) of the Hindu Marriage Act is pending.
2. Heard learned counsel for the Applicants and leaned counsel for the Respondent.
3. Learned counsel for the Applicants has placed reliance on the decision of this Court in case of Sandip Mrinmoy

Chakraboarty Vs. Reshita Sandip Chakrabarty & Anr. (Cri. Writ Petition No.4649 of 2015 decided on 06/09/2018)

wherein the issue as to whether the proceedings pending before the Magistrate under the Domestic Violence Act can be transferred to the Family Court, was exhaustively dealt with and it has been answered in the affirmative, taking into account the powers vested in the Family Court to pass appropriate orders while dealing with the protection orders as well as the maintenance orders, under the provisions of the Domestic Violence Act, which is a special statute.

4. Learned counsel for the Respondent gracefully accepts the position of law, which stands covered in the wake of the aforesaid decision and, therefore, he concedes to club the domestic violence application, filed by the wife, with the Marriage Petition pending in the Family Court at Pune. However, a grievance is made on behalf of the Respondent that in the DV proceedings, an application for interim maintenance has been filed and it has not been decided since last one and half year. His earnest request is to the effect that the application be directed to take up for hearing at utmost priority.

I see no impediment in directing the Family Court at Pune to decide the said application with utmost priority, since by the said application, interim maintenance has been claimed by the wife.

5. With the aforesaid direction, the Misc. Civil Application is allowed in terms of prayer clause (A).

The proceedings pending before the learned Magistrate at Pune in the form of Cri.Misc. Application No.3636 of 2019 shall be forthwith remitted to the Family Court at Pune and to be tagged with Petition No.A-545 of 2020.

(SMT. BHARATI DANGRE, J.)