

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

MISC. CIVIL APPLICATION 77 OF 2021

Rajesh Gayaprasad Gupta	...	Applicant
<i>Versus</i>		
Kanchan Rajesh Gupta and Ors.	...	Respondents

Ms. Sauleah Shaikh i/by Mr. Rakesh Agrawal for the Applicant.
Ms. K. H. Rajani i/by Mr. Rohan R. Deshmukh for the Respondents.

CORAM: ROHIT B. DEO, J.
DATE : 20th JUNE, 2022

P.C. :-

. This application is taken out seeking transfer of case being CC 51/DV/2021 from the Court of learned Metropolitan Magistrate, 13th Court, Dadar to Family Court, Bandra.

2. According to the petitioner-husband, even prior to the institution of the proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short 'DV Act') he has instituted Divorce Petition A-2087 of 2020 seeking divorce and the proceedings are pending before the Family Court.

3. The learned counsel for the petitioner-husband submits that despite availing several opportunities, the respondent-wife is not filing her affidavit in lieu of oral examination-in-chief in DV proceedings and that if a direction is issued that the affidavit be filed within a particular period, the petitioner may not press this application.

4. In rebuttal, the learned counsel for the respondent-wife points out that if the DV proceedings is be expedited, the marriage petition filed by the husband should also be expedited.

5. I do not see any difficulty in expediting both the proceedings which shall be in the interest of parties.

6. Both proceedings shall be expedited.

7. Learned Judges are requested not to grant any unnecessary adjournment.

8. The parties shall file their respective affidavits in the proceedings on the next date of hearing.

9. Misc. Civil Application is disposed of.

[ROHIT B. DEO, J.]

Note : This order is corrected as per 'speaking to the minutes' order dated 28th June, 2022.

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