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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 91 OF 2021**

Mr. Pratik Nagendra Mehta & Ors.

...Applicants

Versus

Mrs. Romi w/o Pratik Mehta & Ors.

...Respondents

Mr. Ashok M. Sarogi for the Applicants.

Ms. Sheetal Pandya a/w Kavita Nadar i/by Solicis Lex for the Respondent No.1.

Ms Tanaya Goswami, A.G.P for the Respondent No.2.

CORAM: NITIN W. SAMBRE, J.

DATE: MARCH 16, 2022

P.C.:-

1] Prayer for transfer is opposed on the ground that, even otherwise, Applicant-husband is appearing before the Court of Metropolitan Magistrate, Dadar in prosecution under Section 498-A of the Indian Penal Code. It is further claimed that non-applicant will suffer hardship if prayer for transfer is granted. I am informed that Civil Suit No.257 of 2020 is already withdrawn and prayer of transfer of the said proceedings has rendered infructuous. As far as transfer of D.V. Act proceedings from the Court of Metropolitan Magistrate, Dadar to that of Family Court at Bandra is concerned, rightly so pressed for

by Mr. Saraogi, learned Counsel for the Applicant that there might be overlapping of findings on the same set of facts and evidence and as such, to avoid the same transfer is very much warranted.

2] Accordingly, D.V. Application No.168 of 2019 filed before the learned Metropolitan Magistrate's 29th Court at Dadar is directed to be transferred to the Family Court at Bandra.

2] It is clarified that Interim Application for maintenance preferred by the non-applicant-wife in D.V. Act proceedings be decided by the Family Court, Bandra expeditiously and in any case within a period of 12 weeks from the date of receipt of the said proceedings before it.

3] Application is accordingly disposed of.

(NITIN W. SAMBRE, J.)