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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 202 OF 2021

BHUMIKA ADHIA WIFE OF MANAS CHURI APPLICANT

V/s.

MANAS AVINASH CHURI RESPONDENT

Mr. Ashok Kumar Dubey a/w Ms. Shweta Yadav i/b Savj Law Associates for the Applicant

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 18, 2022.

P.C.:

1) Though served, none appears for Respondent-husband. Respondent-husband initiated divorce proceedings being Marriage Petition No. 17/2021 pending on the file of Civil Judge Senior Division, Palghar. Applicant-wife initiated proceedings being 126/2021 under Protection of Women from Domestic Violence Act which is pending on the file of Metropolitan Magistrate, Andheri, Mumbai. In the aforesaid background, transfer is sought on the ground of hardship and to avoid recording of overlapping findings on

the same set of facts and evidence.

2) The aforesaid contentions are not controverted. That being so, Application stands allowed in terms of prayer clause (a) which reads thus.

“(a) The Hon’ble Court may be pleased to transfer the Marriage Petition bearing No. 17 of 2021 pending before the Ld. 4th Civil Judge Senior Division, Palghar – Maharashtra to Bandra Family Court, Mumbai for the further proceedings.”

3) The fact remains that Domestic Violence Act proceedings on the same set of facts and evidence are already pending on the file of Metropolitan Magistrate, Andheri, Mumbai. So as to avoid overlapping of evidence in all these aforesaid proceedings, it is further ordered that proceedings under Domestic Violence Act being 126/2021 pending on the file of Metropolitan Magistrate, Andheri, Mumbai are ordered to be transferred to Family Court, Bandra, Mumbai and to be tried together with Marriage Petition No. 17/2021

[NITIN W. SAMBRE, J.]