

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

MISCELLANEOUS CIVIL APPLICATION NO. 23 OF 2022

Dhanesh S/o. Surya Garg	... Applicant
v/s.	
Suchi Dhanesh Garg	... Respondent

...
Mr. Anand Mishra a/w. Mr. Ashok M. Saraogi for the Applicant.
...

CORAM : KAMAL KHATA, J.

DATED : 31ST JULY 2023.

P.C. :

1. This Miscellaneous Civil Application is filed by the Applicant husband under section 24 of the Civil Procedure Code 1908, for transfer of Notice no.334/DV/2019 from Metropolitan Magistrate 24th Court at Borivali, Mumbai to Family Court at Bandra, Mumbai and be heard along with M.J. Petition No.A/2237 of 2020.

2. The Applicant's case is that the marriage took place on 12th March 2018 at Mumbai. On account of marital discord, the applicant is staying separately with her parents. On 16th August 2019, the Respondent-wife filed a complaint under the provisions of Domestic Violence Act vide Notice No.334/DV/2019. On the other hand, the Applicant filed a petition for divorce at Family Court at Bandra under Section 13 (1)(i-a) of the Hindu marriage Act, 1955 bearing Petition no.2237 of 2020.

3. Learned counsel for the applicant submits that proceedings in two different courts could result in passing conflicting orders. It would be appropriate if the matter is heard by the same court, since the parties are the same and the evidence to would be common in both the matters.

4. The respondent has been served and filed a reply, however, in spite of various opportunities no one has remained present in court, even today. By and order dated 27th July 2023, it was recorded that if no-one remains present for the respondent, the matter would be proceeded with *ex parte*.

5. In my view, in the interest of both the parties, the matter be heard by one court. It would save both parties time, effort and money. In my view that transfer deserves to be granted.

6. Miscellaneous Civil Application is made absolute in terms of prayer clause (a).

7. Parties to act on authenticated copy of this order.

(KAMAL KHATA, J.)