

Nikita

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

**CRIMINAL APPLICATION NO.43 OF 2022**

Keyur Popatlal Gala ... Applicant

**V/s.**

Nidhi Keyur Gala and Anr. ... Respondents

Ms. Kavita Yadav a/w Adv. Sangeeta Salvi for the  
Applicant.

Ms. Maya Dave for Respondent No.1.

Mr. M.G. Patil, APP for the State.

**CORAM : AMIT BORKAR, J.**

**DATED : MAY 2, 2023**

**P.C.:**

1. The husband has filed present application seeking transfer of proceedings under the Protection of Women From Domestic Violence Act, 2005 pending before Metropolitan Magistrate 10<sup>th</sup> Court, at Andheri Mumbai to the Family Court, Bandra, Mumbai, where the proceedings under DV Act are pending. It is not in dispute that the parties to both the proceedings are same. This Court has already held in the case of **Vijay Suryakant Kakade v. Anushka Vijay Kakade & Ors.** in Miscellaneous Civil Application No.498 of 2022 decided on 2<sup>nd</sup> February 2023 that such transfer is necessary to avoid conflict in findings in both proceedings. Since

there is possibility of conflict in findings, the applicant has made out a case for transfer of proceedings.

2. Hence, the application is allowed in terms of prayer clause (b).

**(AMIT BORKAR, J.)**