

Ghuge

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

CRIMINAL APPLICATION NO.111 OF 2022

Tushar Ajit Bansode and Ors ... Applicants

V/s.

Shanam Tushar Bansode and Anr ... Respondents

Ms. Meghna Gowalani for the applicants.

Mr. Anand Mishra for respondent.

Mr. A.R. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 13, 2023

P.C.:

1. The husband has filed present application seeking transfer of D.V. Proceeding bearing No.50 of 2021 pending before the learned 2nd Civil Judge Junior Division and Metropolitan Magistrate, Gadchiroli to learned Judicial Magistrate First Class, Mulund or any other court having jurisdiction in the district Mumbai.

2. The applicant had filed Miscellaneous Civil Application No. 376 of 2022 seeking transfer of proceedings pending before the Civil Judge Senior Division, Gadchiroli to the learned Family Court, Bandra, Mumbai. This Court by order dated 17th February, 2023 allowed said application and transferred Marriage Petition pending before learned 2nd Civil Judge Junior Division and Metropolitan Magistrate, Gadchilori to the learned Family Court, Bandra, Mumbai.

3. Learned advocate for the respondent wife contested the application and submitted that grave prejudice would be caused to the wife if such transfer to be allowed.
4. This Court in order dated 17th February, 2023, has dealt with similar objection raised by the wife. If the civil proceeding in relation to the marriage between the parties has been transferred to the Family Court, in my opinion, it would be in the interest of justice to transfer the D.V. Proceedings to the same where the proceeding came to be transferred by order of this Court.
5. For the reasons stated in the order dated 17th February, 2023 in Miscellaneous Civil Application No. 376 of 2022, this Criminal Application is allowed in terms of prayer clause (b).
6. The proceeding bearing No. PW DV No.50 of 2021 pending before the learned 2nd Civil Judge Junior Division, and Metropolitan Magistrate, Gadchiroli stands transferred to learned Family Court, Bandra, Mumbai and to be heard by the same Court dealing with civil proceedings between parties.
7. The Criminal Application stands disposed off in the above terms. No costs.

(AMIT BORKAR, J.)