



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.175 OF 2021

Jigar Jayant Sheth and ors. ... Applicants

Vs.

Sweta Jigar Sheth
@ Sweta Jayesh Shah ... Respondent

Mr.Sagar S.Ambekar with Ms.Disha Nidre i/by Mr.Chaitanya A. Malgaonkar,
Advocates for the Applicants.

Ms.Mamta Omle, Advocate for the Respondent.

Ms.Sweta J. Sheth-wife is present.

CORAM : ABHAY AHUJA, J.
DATE : 28 AUGUST, 2023.

P.C. :

1. When the matter is called out, it is noted from the file that there is a mediation report that has been filed in a sealed cover. The sealed cover is opened. The mediation report is perused.

2. The report indicates that despite several sittings the parties have failed to reach any agreement in the matter and the mediation has failed. The said report is taken on record and marked "X" for the purposes of identification. It is also shared with the learned counsel for the parties.

3. The learned counsel however submit that they are at *ad-idem* that the domestic violence proceedings pending before Borivali Court be transferred to the Family Court at Bandra and to be heard alongwith Divorce Petition pending in the Family Court.

4. Ms.Mamta Omle, learned counsel for the Respondent on instructions submits her no objection that the Domestic Violence proceedings pending in the Borivali Court be transferred to the Family Court at Bandra and heard alongwith the divorce petition filed by the husband. The Respondent-wife is also present in the court.

5. Having heard the learned counsel, in view of the consent/no objection expressed on behalf of the Respondent-wife, the application is made absolute in terms of prayer clause (a) which reads thus :-

“This Hon’ble Court be pleased to direct the concerned office to transfer C.C. No.213/DV/2020 pending on the files of the Learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai filed by the Respondent under section 12 of the Protection of Women from Domestic Violence Act, 2005 against the applicants to Hon’ble Family Court, Bandra, Mumbai and to be clubed and tried alongwith Petition (Lodging) No.A/1766/2021 filed the Applicant No.1 before Family Court Mumbai at Bandra, Mumbai under section 13(1)(ia) of the said Hindu Marriage Act, 1955 against the Respondent.”

6. Let the papers and proceedings pending in the Borivali Court be

transferred expeditiously to the Family Court at Bandra.

7. Application is accordingly disposed. Parties to bear their own costs.
8. Pending interim reliefs accordingly stand vacated.

(ABHAY AHUJA, J.)