

VRJ

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

MISCELLANEOUS CIVIL APPLICATION NO.432 OF 2022

Adarsh Ashok Gupta & Ors.	... Applicants
V/s.	
Monam Adarsh Gupta	... Respondent

Mr. Dushyant Purekar with Mr. Rajat Dedhia for the applicants.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 24, 2023

PC.:

- 1.** The husband has filed present application seeking transfer of proceedings Complaint – C.C. No.225/DV of 2019 pending before the learned 49th Court of Metropolitan Magistrate, Vikhroli, Mumbai to the Family Court, Bandra, Mumbai.
- 2.** On 3rd December 2017, marriage between the applicant no.1 and the respondent took place. On 25th November 2019, the respondent/wife filed Domestic Violence Case No.225 of 2019 before the learned Metropolitan Magistrate at Vikhroli.
- 3.** The applicant has filed Marriage Petition No.1865 of 2021 before the learned Family Court.
- 4.** The applicant has, therefore, filed the present miscellaneous civil application for clubbing of matter.

5. Considering the fact that the proceeding under the Domestic Violence Act, 2005 are pending before the learned Metropolitan Magistrate, Vikhroli and the proceedings filed by the husband are pending at Bandra, there will be no inconvenience caused to the wife if both the proceedings are clubbed together. Moreover, the possibility of conflict in findings would also be avoided.

6. This Court on 21st November 2022 issued notice to the respondent. On 2nd December 2022, learned advocate for the applicant tendered affidavit of service. The learned advocate for the applicant thereafter again served the respondent privately, he has filed affidavit of service along with annexure thereof. On perusal of the annexures and affidavit of service, I am satisfied that the respondent is served. The affidavit of service is marked "X" for identification.

7. Considering the nature of the proceedings and to avoid conflict of findings, the miscellaneous civil application is allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)