



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (Appln) No. 67 of 2023

Sayyed Firoz s/o Sayyed Sabir,
aged about 38 Years, Occ. Service,
R/o 24, Baqar Villa, Sai Nagar,
Godhani Road
Nagpur, Mob: 8806509600

... Applicant

- VERSUS -

Afreen Naaz w/o Sayyed Firoz,
age about 27, Occ.- Nil,
R/o Plot No 144, Eroo Villa
Awasti Nagar Nagpur-440003

... Non-applicant

Mr. U. R. Phasate, Advocate for the applicant

Mr. Tahseen Raza G. Mohd., Advocate for the non-applicant

CORAM : ANIL L. PANSARE J.

DATED : 26-9-2023

ORAL JUDGMENT

Rule. Rule made returnable forthwith. With consent, the application is heard finally.

2. By the present application, the applicant – husband is seeking to transfer Criminal Miscellaneous Application No. 2521/2020 pending on the file of 16th Civil Judge Senior Division & ACJM, Nagpur to the Family Court, Court No. 1, Nagpur.

3. Heard both sides. There are three proceedings pending between the parties. Two out of three are pending before the Family Court. The proceeding under question i.e. Criminal Miscellaneous Application No. 2521/2020 has been filed under Section 12 of the Protection of Women from Domestic Violence Act 2005 before the 16th Civil Judge Senior Division & ACJM, Nagpur.

4. Learned counsel for the applicant submits that if all the proceedings are transferred to one Court, common evidence could be recorded which will ease the burden of the Court as also of the parties.

5. Learned counsel for the non-applicant has no objection if the criminal miscellaneous application is so transferred to Family Court. However, he submits that the applicant may not delay the cross-examination by adopting various modes to delay the proceedings, to which, learned counsel for the applicant submits that he and his client will cooperate in disposing of the pending proceedings as early as possible.

6. Both the parties should cooperate with the trial Court in disposing of the proceedings expeditiously.

7. With the above observations, the application is allowed.

8. Criminal Miscellaneous Application No. 2521/2020 pending on the file of 16th Civil Judge Senior Division & ACJM, Nagpur is transferred to the Family Court, Court No. 1, Nagpur.

9. The Family Court is at liberty to club all the proceedings and to record common evidence, if there is no other impediment.

10. The application is disposed of in above terms with no order as to costs.

(Anil L. Pansare, J.)

wasnik