

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

MISCELLANEOUS CIVIL APPLICATION NO. 139 OF 2021

Rushabh Sharad Joshi and Ors.

....Applicants

Versus

The State of Maharashtra Thr.
Government Pleader and Anr.

....Respondents

Ms. T. S. Sindhu a/w Ms. Riddhi Pandey, Advocate for the Applicants.
Ms. Anubha Rastogi a/w Ms. Gayatri Shahane Advocate for the
Respondent No. 2
Mr. Kiran C. Shinde, AGP for the State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th APRIL, 2024.

P.C. :

1. By this Application, the Applicants are praying for transfer of Domestic Violence (DV) proceedings pending before Metropolitan Magistrate, Borivali to Family Court, Bandra.

2. It is contention of learned counsel for the Applicants that Respondent No. 2 has filed divorce proceeding against the Applicant, which is pending before Family Court, Bandra. The Respondent No. 2

has also filed DV proceeding which is pending before the Metropolitan Magistrate Court, Borivali.

3. Learned counsel further submits that Applicant No. 1 has filed Petition for Restitution of Conjugal Rights, which is pending at Family Court, Bandra.

4. Learned counsel further submitted that if the DV proceeding pending before the Metropolitan Magistrate Court, Borivali is transferred to the Family Court, Bandra, it would be convenient for both the parties. Hence, requested to allow the Application.

5. Learned counsel for the Respondent No.2 strongly objected on the ground that Respondent No.2 stays at Mira Road. It is convenient for her to attend the Court's date at Borivali. She further submitted that both the parties stays in Mumbai, so, they can attend the Court dates in respective Courts. She submits that it is not necessary to transfer the D.V. proceeding to Family Court at Bandra, hence, requested to reject the application.

6. I have heard both learned counsels. Along with D. V.

proceeding which is pending at Metropolitan Magistrate, Court, Borivali. The Respondent No.2 has filed divorce Petition against the Applicant which is pending at Family Court, Bandra. The Applicant has also filed the Petition for Restitution for Conjugal Rights, which is pending before the same Court.

7. Considering the fact that both the parties stays at Mumbai. Their other proceeding are pending at Family Court. The DV proceedings can be transferred to the Family Court, Bandra and, I pass following order :-

ORDER

- (i) The DV proceedings No. 77 of 2018 pending before Metropolitan Magistrate Court, Borivali be transferred to Family Court, Bandra, where the divorce petition filed by Respondent No.2 is pending.

8. The Miscellaneous Civil Application is disposed of.

(SHIVKUMAR DIGE, J.)