

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

MISCELLANEOUS CIVIL APPLICATION NO. 259 OF 2023

Vijay Hanumant Kolhapure	Applicant
Versus	
Sangeeta Rambhau Gavande	Respondent

Mr. Omkar A. Mane, Advocate for the Applicant.
Mr. Sagar A. Rane, Leagal Aid Advocate for the Respondent.
Ms. Sangeeta V. Kolhapure nee Sangeeta R. Gavande in person
present.

SHANTANU
SHANKARSA
DHUDUM

Digitally signed
by SHANTANU
SHANKARSA
DHUDUM
Date:
2024.02.01
10:18:41 +0530

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th JANUARY, 2024.

P.C. :

1. Leave to amend the name of Respondent. Amendment to be carried out forthwith.

2. Heard learned counsel for the Applicant and learned counsel for the Respondent.

3. Learned counsel for the Respondent, on instructions,

submits that two applications are filed by Respondent/Wife. The proceedings under the Domestic Violence Act, 2005 (for short “D. V. Act”) is pending before the Magistrate Court, Borivali and the proceedings under Section 125 of the Criminal Procedure Code, 1973 for maintenance is pending before the Family Court, Bandra. The proceedings under D.V. Act is pending before the Magistrate Court since last over 3 years and if this petition is transferred to the Family Court, Bandra, it may take time. Learned counsel for the Respondent, on instructions, suggested that the matter pending before Family Court, Bandra under Section 125 be transferred to the Metropolitan Magistrate Court, Borivali, and it would suffice the purpose of the Applicant.

4. Learned counsel for the Applicant has no objection transferring the matter in Court of Metropolitan Magistrate. Learned counsel further submits that Applicant stays at Karad and it would be difficult for him to come to Mumbai for attending the Court’s dates of two proceedings. Hence, requested that both proceedings should be before one Court.

5. Considering the submissions of both learned counsel, I pass following order:

ORDER

- i. The petition No. 63 of 2022 pending at Family Court, Bandra be transferred to 26 Metropolitan Magistrate Court, Borivali where proceeding under the Domestic Violence Act is pending.
- ii. Both the matters be kept on same date.
- iii. Application is disposed of.

.

(SHIVKUMAR DIGE, J.)