

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.13 OF 2024

Anand Bhalakia Applicant

V/s.

Neha Bhalakia Respondent

Ms.Sushmitha Sherigar, for the Applicant.

Mr.Manjunath Hegde, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd APRIL 2024

P.C:-

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

2. By this Application, the Applicant is seeking transfer of Domestic Violence Complaint pending before the 62nd Metropolitan Magistrate Court, Bhoiwada, Dadar to Family Court, Bandra.

3. It is contention of the learned counsel for the Applicant that, the Applicant has filed custody proceeding for minor child, which is pending before the Family Court, Bandra.

The Respondent has filed D.V. Proceeding against the Applicant, which is pending at Metropolitan Magistrate, Bhoiwada, Dadar. In reply in the Custody Proceeding the Respondent has taken stand that D.V. Proceeding is pending. Hence, requested to transfer the D.V. Proceeding to Family Court, Bandra.

4. It is contention of the learned counsel for the Respondent that stand taken in D.V. Proceeding is different than custody proceeding. The Respondent would not take stand in the custody proceeding about the pendency of the D.V. Proceeding. The Custody Proceeding can be decided on its own merits.

5. I have heard both learned counsel.

6. In my view, D.V. Proceeding and Custody Proceeding are two different proceedings and it can be decided on its own merit.

7. In view of above, I pass following order.

ORDER

(i) The Application is rejected.

(SHIVKUMAR DIGE, J.)