

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

Misc. Civil Application No. 196 of 2024

With

Misc. Civil Application No. 197 of 2024

Mrs. Shazia Fahed Shaikh

Nee Shazia Rashid Khan,

w/o. Mr. Fahed Abdul Hameed Shaikh ... Applicant.

V/s.

Mr. Fahed Abdul Hameed Shaikh ... Respondent.

Mr. Sanjeev Kadam a/w. Varsha Thorat, Sherin Baby & Chaitravi Pai i/b. Falcon Legal	Advocate for the Applicant.
Mr. Rajesh Singh a/w. Mr. Hitesh Kumar Jain	Advocate for Respondents in both MCAs.

CORAM : S.M. MODAK, J

DATE : 06 December 2024.

P.C. :

Heard learned Advocate Shri Kadam for the applicant-wife and learned Advocate Rajesh Singh for the respondent-husband.

2. The husband has filed two proceedings before the Courts at Nashik:-

- (i) The Custody Petition bearing No. D-38 of 2022.
- (ii) Petition No. A-493 of 2022 filed before the Family Court, Nashik. It is for restoration of conjugal rights.

3. By this application the applicant-wife wants transfer of both the proceedings to Family Court, Bandra. Reason is on account of convenience and her Petition No.E-317 of 2022 is pending before Bandra Family Court. It is true that earlier this Court has heard both the sides on various occasions. On 29 July 2024 some arrangement about access to both the children by the respondent-husband is recorded. The arrangement is as follows:-

- The respondent-husband was permitted to have access to both the children on first and second Saturday from 11.00 a.m. to 1.00 p.m., from 2.00 p.m. to 5.00 p.m.

4. Now the learned Advocate for the respondent-husband on the basis of instructions submitted that his client is agreeing for allowing both the applications. His additional submission is the D.V. proceeding filed by the applicant-wife be also transferred from the Court of Metropolitan Magistrate to the Family Court. Mr. Kadam is agreeable to this suggestion.

5. There is one more submission about giving of additional access. The contention is the Family Court premises may not be comfortable for the children. Mr. Kadam has also agreed to this suggestion. However, his contention is modalities need to be decided.

6. Additionally, he submitted that respondent-husband may not insist for contempt petition filed by him at Nashik. On the basis of instructions, the learned Advocate is agreeable to the said

submission. It is expected that respondent-husband will withdraw his contempt petition at the earliest. In view of that following order is passed:

ORDER

- (1) Both the Misc. Civil Applications are allowed.
- (2) The proceedings bearing No. D-38 of 2022 and A-493 of 2022 pending before Family Court, Nashik are transferred to Family Court at Bandra.
- (3) The arrangement about access as recorded in the order dated 29 July 2024 be continued. Instead of second Saturday, it should be corrected as third Saturday.
- (4) The D.V. proceeding pending before 71st Court, Metropolitan Magistrate, Nashik be also transferred to Family Court, Bandra.
- (5) Let the parties to appear before the marriage counselor attached to Family Court, Bandra. Principally, both are on consensus for giving order for additional access to respondent-husband at Mumbai (outside the the premises of Bandra Family Court).
- (6) The parties are at liberty to decide about the modalities with the assistance of marriage counselor. The parties are at liberty to request the marriage counselor about their conveniences.

(S.M. MODAK, J.)