

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 28 OF 2024**

Amol Vasant Kelkar	... Applicant
Versus	
The State of Maharashtra	... Respondent

Ms. Racheeta R. Dhuru, Advocate for the Applicant.
Mr. Nikhil Seth, Advocate for Respondent No.2.

CORAM : ARUN R. PEDNEKER, J.

DATE : 21st JUNE, 2024.

P.C. :

1. The present application is filed by the applicant seeking transfer of Domestic Violence Case No. 1700145 of 2021 pending before the 17th Court of Metropolitan Magistrate at Borivali, Mumbai to Family Court at Bandra.
2. Learned counsel for the applicant submits that if the proceedings are transferred to one Court there would not be conflict of decisions and it would be more appropriate if the Family Court at Bandra decides both the proceedings and that it would be more convenient to the wife to conduct the proceedings at Bandra.
3. Learned counsel for the respondent No.2 submits that matter is filed in the year 2021 and that the Interim application under Section 23 is still pending for consideration. He further submits that he would have no objection for transfer once the Interim Application under Section 23 is

decided.

4. In view of the submissions, it is directed that 17th Court of Metropolitan Magistrate at Borivali, Mumbai will decide the interim application filed by the respondent/wife under Section 23 of D.V. Act within a period of eight weeks from the date of production of this order. Learned counsel for the respondent No.2/wife submits that there are two pending applications filed by her and that it is necessary to decide these two applications before consideration of the application under Section 23.

5. Liberty granted to the applicant to make necessary submission as regards the pending application before the 17th Court of Metropolitan Magistrate at Borivali, Mumbai and the Court would consider the submission of the applicant while deciding the application under Section 23 for grant of interim relief and would decide it on its own merits.

6. Stand over to **13th September, 2024**, after decision of the application under section 23 of the D.V. Act by the Metropolitan Magistrate, Borivali, Mumbai.

(ARUN R. PEDNEKER, J.)

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