

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.28 OF 2024

Amol Vasant Kelkar and Ors.

.. Applicants

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Ms. Racheeta Dhuru a/w. Mr. Nasir Husain Naik and Mr. Rohit P. Patil, Advocates for Applicants.
- Mr. D. J. Haldankar, AGP for Respondent No.1 – the State of Maharashtra.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 19, 2024

P.C.:

1. Heard Ms. Dhuru, learned Advocate for Applicants and Mr. Haldankar, learned AGP for Respondent No.1 – the State of Maharashtra.

2. She has drawn my attention to the order dated 21.06.2024. It is material to note that Advocate for Respondent has submitted and it is also been recorded by the Court that he would have no objection for transfer once the Interim Application is heard and decided by Court under Protection of Women from Domestic Violence Act, 2005 (for short 'D.V. Act').

3. She would inform the Court that concerned Competent Court that i.e. 17th Metropolitan Magistrate Court, Borivali, Mumbai has heard the Interim Application and it has kept it for passing order on

24.09.2024. According to her an order is expected to be passed on that date. If that be the case, this Miscellaneous Civil Application shall be disposed of on the next adjourned date once the status of the said Interim Application under the D.V. Act is informed to the Court.

4. However, the learned 17th Metropolitan Magistrate Court, Borivali, Mumbai is requested by this Court to determine, decide and pass the order in said interlocutory Application under D.V. Act either on 24.09.2024 on its own merits without being influenced by any order in accordance with law. In event if Competent Court is unable to pass that order on 24.09.2024, it will make an endeavour to pass the order atleast by 27.09.2024 so that this Court will be in a position to consider this Miscellaneous Civil Application on 27.09.2024.

5. The learned 17th Metropolitan Magistrate Court, shall act on a server copy of this order which shall be presented before the Court by tomorrow i.e. 20.09.2024 by Advocates for the parties.

6. Stand over to **27th September, 2024 at 02:30 p.m.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
HANUMANT
SAWANT
Date: 2024.09.19
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