

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 43 OF 2024

Pushkar Chandrakant Chikhale

.. Applicant

Versus

Sidhi Pushkar Chikhale

.. Respondent

-
- Ms. Ankita Pandey for Applicant

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 28, 2024

P. C.:

1. Heard Ms. Pandey, learned Advocate for Applicant.
2. It is stated that Respondent has been served. Affidavit of service dated 10.04.2024 is filed on record. Several orders have been passed by this Court since 05.03.2024. None appears for Respondent. Present Application cannot be protracted any further.
3. Ms. Pandey would submit that by the present MCA, Applicant prays for D.V. Proceedings i.e. 56/DV/2023 filed by the Respondent and pending in the Court of Metropolitan Magistrate's Court, Bhoiwada, Dadar at Mumbai (presently shifted to Sewree) be transferred to the Family Court at Bandra where the Divorce Petition filed by him is pending.
4. Present Application is filed by Applicant husband. However due consideration is required to be given to the submissions made by Ms.

Pandey since both the proceedings are inter dependent on each other and it would be appropriate if both the proceedings are heard and decided by one Court in order to avoid conflict of decisions. Transfer of the D.V. Act proceedings to the Family Court, Bandra is in the interest of justice of both the parties.

5. In view of the above, Misc. Civil Application is allowed in terms of prayer clauses (a) and (b) which read thus:-

- (a) *The Hon'ble Court be pleased to transfer the Case No. 56/DV/2023 pending on file of 29th Metropolitan Magistrate Court, Bhoiwada, Dadar at Mumbai (presently shifted to Sewree) to Hon'ble 3rd Family Court, Bandra at Mumbai'*
- (b) *The Hon'ble Court be pleased to pass orders and directions to try and adjudicate the Domestic Violence Case no. 56/DV/123 and Marriage Petition no. A-1397 of 2029 together by the Hon'ble Family court at Bandra, at Mumbai.*

6. Both Courts shall take cognizance of a server copy of this order and act accordingly.

7. MCA is allowed and disposed.

[MILIND N. JADHAV, J.]

Amberkar

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by RAVINDRA
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2024.08.28
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