

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION (ST.) NO.25249 OF 2024

Varad Shashank Patil

.. Applicant

Versus

Neha Varad Patil

.. Respondent

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- Ms. Twishaa Gangar a/w. Mr. Ajinkya Udane, Advocates for Applicant.
- Ms. Monica Shroff i./by Mr. Abhijit Sarwate, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 18, 2024

P.C.:

- 1.** Mentioned. Not on Board. Taken on Board.
- 2.** Heard Ms. Gangar, learned Advocate for Applicant and Ms. Shroff, learned Advocate for Respondent.
- 3.** Perused the praecipe dated 18.09.2024 and the Miscellaneous Civil Application.
- 4.** This Application seeks transfer of proceedings filed under under the Protection of Women from Domestic Violence Act, 2005 (for short '**D.V. Act**') nomenclatured as Criminal Miscellaneous Application No.3800 of 2022 filed by Respondent before the learned Judicial Magistrate First Class, Pune to Family Court, where the Marriage Petition bearing P.A. No.1272 of 2023 filed by Applicant is pending.

5. Ms. Shroff, learned Advocate for Respondent – wife in her usual fairness would inform the Court that she has taken instructions and she would have no objection for transfer since the issues that will be determined in both the proceeding would be interdependent on each other and in order to avoid conflict of decisions and separate trials by two different Courts, the course of action of hearing the proceedings under D.V. Act alongwith the Marriage Petition is correct.

6. I have no reason to disregard the submissions made by Ms. Shroff, learned Advocate for Respondent. Since there is no opposition whatsoever and the transfer of proceedings under D.V. Act to Family Court is in the interest of justice as also in the interest of both parties, Miscellaneous Civil Application stands allowed in terms of prayer clause (A) which reads thus:-

“[A] That this Hon’ble Court may transfer the Section 12 proceeding filed by respondent wife herein from the Ld. J.M.F.C, Pune bearing Cri.M.A.No.3800/2022 to Family Court, Pune and tag it along with Divorce Petition bearing No. 1272 of 2023 filed by the applicant husband before Ld. Family Court, Pune.”

7. Both the Courts namely Judicial Magistrate First Class, Pune and Family Court, Pune shall take cognizance of the server copy of this order and ensure that proceedings are transferred and re-registered within a period of one week of having the server copy placed before them.

8. With the above directions, Miscellaneous Civil Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
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SAWANT
Date: 2024.09.18
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