



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

MISCELLANEOUS CIVIL APPLICATION NO. 447 OF 2024

Mrs Krishita Yash Shah

...Applicant

vs.

Yash Saurin Shah

...Respondent

Ms. Shilpa Joshi i/by Khandeparkar and Assoc.	Advocate for the Applicant
Ms. Mrinalini Deshmukh with P. G. Sabnis	Advocate for the Respondent

CORAM : S. M. MODAK, J.

DATE : 13th DECEMBER 2024

P. C. :-

1. An affidavit-in-reply filed on behalf of the Respondent is taken on record. Copy is served to other side.
2. The present transfer application is preferred by the Applicant-wife for transfer of the following proceedings and reasons:
 - (i) The transfer of domestic violence proceedings from the Court of Metropolitan Magistrate Girgaon, Mumbai to the Family Court, Bandra, Mumbai.
 - (ii) The reason is two divorce petitions filed by each of them are pending before the Bandra Court, Mumbai.
3. There is strong opposition for transferring the matter. It is on

account of the stage of the domestic violence case and secondly, on account of conduct of the Applicant as reflected from the list of the dates in respect of the Domestic violence court case proceeding.

4. The submission is Applicant-wife really does not want to prosecute the Domestic violence case and substantial period of time, she has not filed affidavit of the evidence. It was filed after Respondent agitated and requested for dismissal of that proceedings. This is also affirmed in para no. 3 of the affidavit. It is also submitted that if the Domestic violence case is transferred to the Bandra Court, it is not likely that hearing could be conducted therein.

5. Learned Advocate for the Applicant wants to rely on some of the judgments. Copy given to the other side. She can tender them on the next date.

6. She seeks time to take instructions about the happenings before the Domestic Violence Court.

7. Matter be kept on 17th January 2025.

8. The Applicant is at liberty to seek adjournment from the DV Court on account of pendency of this petition.

[S. M. MODAK, J.]