

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.483 OF 2024

SATISH
RAMCHANDRA
SANGAR

Mukund Shankar Harale and Ors.

...Applicants

V/s.

Pradnya Mukund Harale

...Respondent

Digitally signed by
SATISH RAMCHANDRA
SANGAR
Date: 2024.12.02
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Mr.Naveen Sharma:-	Advocate for Applicants.
Mr.Dharmesh Joshi a/w Mr.Charoo Shukla, Mr.Abhishek Mishra and Ms.Akshita Wakharia:-	Advocates for Respondent.

CORAM : S. M. MODAK, J.

DATE : 22nd NOVEMBER 2024

P. C. :-

1. Heard learned Advocate for the Applicant-husband and learned Advocate for Respondent-wife.
2. The husband wants transfer of Domestic Violence proceeding pending before the Metropolitan Magistrate, Andheri Court to Family Court, Bandra. The stage of Domestic Violence proceeding is hearing of Interim Application. There is a Restitution Petition pending before the Bandra Family Court filed by the husband. There is also a Counter Claim filed by the Respondent-wife.

3. Learned Advocate for Respondent-wife has shown to me one order dated 18th November 2024 passed by learned Principal Judge – Family Court, Mumbai. The conduct of the arguing Counsel for the husband is recorded therein. The order mentions, whenever the learned Principal Judge has taken up the hearing of Interim Application for maintenance, the learned Advocate for the husband has insisted on the access issue of a minor daughter. Disturbed by non-cooperative approach, the learned Principal Judge has transferred the matter by exercising the administrative powers to Court Room No.7.

4. At present, Court Room No.7 is vacant. Learned Advocate for the Applicant-husband has invited my attention to an order dated 12th December 2022 passed by learned Principal Judge – Family Court No.1, Mumbai wherein the access rights were given. Though, there is consent for allowing the Petition given on behalf of the wife, she only wants early hearing of his Application.

5. In view of that, following order is passed:-

ORDER

- (i) Application is allowed in terms of prayer clause (b).
- (ii) The proceedings of C.C.No.1000083/DV/2024 pending before the Court of learned Metropolitan Magistrate is transferred to the Family Court, Bandra which is presided

over by a Judge (not to vacant Court).

- (iii) Learned Principal Judge – Family Court, Bandra to allot this matter to a Court which is presided over by a Judge.
- (iii) Once allotted, the Application for interim maintenance be decided as early as possible not later than **three (3) months**.
- (iv) Learned Principal Judge – Family Court, Bandra to allot the Restitution Petition to the same Court to whom, this Domestic Violence proceedings are allotted.

6. In view of that, **Application stands disposed of**.

[S. M. MODAK, J.]