

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 507 OF 2024

Ranjeetsingh Sohanlal Lakha ... Applicant

vs.

Harjeetkour Ranjeetsingh Lakha ... Respondent

Mr. Aniket Nangare i/b. Mr. Rohit Gangawane :-	Advocate for Applicant.
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CORAM : S. M. MODAK, J.

DATE : 13th DECEMBER 2024

P. C. :-

1. Heard learned Advocate for applicant/ husband. There are two proceedings going on in between the parties. One is as per Domestic Violence Act, 2005 [**DV Act**] instituted by the respondent/ wife and it is pending before the Court of Judicial Magistrate First Class, Khadki, Pune. It is submitted that there is interim order for maintenance on the basis of consent of parties and the husband is complying the same. In that proceeding the wife has filed affidavit of examination-in-chief and

is pending before the Family Court, Pune for cross-examination. Therein also the husband has filed affidavit of examination-in-chief.

2. Transfer is sought for the reason of avoiding passing of conflicting orders and even though it is transferred from Khadki, Pune it will not be inconvenient to the wife because distance is only 6 k.m.

3. Reliance is placed on the order passed in Misc. Civil Application No.477 of 2022 in between ***Rohan Shah vs. Nishigandha Shah***. There was a transfer application filed by the applicant/ husband to transfer Domestic Violence Act proceeding from Khadki Court to Bandra Court. After going through the order it can certainly be seen that both the parties have been hardly contested the matter. The learned Judge has analysed the provisions of Protection of Women from Domestic Violence Act, 2005 [**PWDV Act**]. Also analysed the provisions of Section 24 of the Code of Civil Procedure, 1908 [**CPC**] on one hand and that of Section 407 of Code of Criminal Procedure, 1973 [**Cr.P.C.**] on the other hand. The facts were there was Divorce Petition filed by the husband before Family Court, Mumbai and thereafter the wife has filed the proceeding under PWDV Act before the Court of

Metropolitan Magistrate, Mumbai. The Court (Coram : Kamal Khata, J.) has considered the reliefs sought under PWDV Act proceeding and observed it will not cause prejudice if it is transferred to the Family Court. The power is exercised only to save time, effort and money of both the parties (paragraph No.113).

4. The observations are not helpful to the applicant/ husband. This could have helped him if he could have resorted to the jurisdiction under Section 24 of CPC at earlier point of time. Both the parties have appeared in respective proceedings and the proceedings are at the stage of recording of evidence. Both the parties have filed affidavit of evidence in their respective proceedings and probably they are at the stage of cross-examination. Considering the stage at which applicant/ husband has taken recourse to transfer jurisdiction, the prayer for transfer cannot be considered. Hence the following order is passed :

ORDER

- (i) Application is rejected.
- (ii) There shall be no order to costs.

[S. M. MODAK, J.]