

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.517 OF 2024

SATISH
RAMCHANDRA
SANGAR

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Date: 2024.12.20
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Yashashree Niranjana Tiwari and Ors.

...Applicants

V/s.

Jyoti Deepak Tiwari

...Respondent

Mr.Abhishek T.Ingale a/w Mr.Chaitanya N. Narvekar:-	Advocates for Applicants.
Mr.Niranjana Tiwari (Through V.C.):-	Advocate for Respondent.

CORAM : S. M. MODAK, J.

DATE : 6th DECEMBER 2024

P. C. :-

1. Heard learned Advocate for the Applicants which includes wife / daughter in law and her relatives. She is seeking transfer of the proceedings initiated by the mother-in-law before the Court of Judicial Magistrate First Class at Kolhapur to the Court of Civil Judge Senior Division at Ratnagiri.
2. Learned Advocate to ascertain the position in law as to whether the Court of Civil Judge Senior Division can try a case under the

provisions of Domestic Violence Act and apprise the Court on the next date.

3. There are cases initiated by the daughter-in-law / wife before the concerned Courts at Ratnagiri. It is under the Domestic Violence Act and Hindu Marriage Act.

4. Heard learned Advocate for the Respondent / mother-in-law. In fact, the learned Advocate is a party involved in this litigation. He is son of the Respondent / mother-in-law. He sought time. He apprised the Court about the status of Domestic Violence proceeding pending before the Kolhapur Court. According to him, the present Applicants though served and granted sufficient time, they have not appeared before the Kolhapur Court and there an *ex parte* order passed and now, the matter is fixed for giving of evidence. In a given situation, I am granting some time to the Respondent. He is at liberty to file Vakalatnama in the Office till next date.

5. It is made clear that the personal presence of these Applicants who are the Respondents in Domestic Violence case is dispensed with.
The learned Magistrate need not insist upon their personal presence.
However, they are expected to appear before that Court through their

learned Advocate. It is also made clear that this Court has not stayed the Kolhapur Domestic Violence proceedings and it is expected from these Applicants to take appropriate steps before that Court as warranted as per the stage of that case.

6. Stand over to **17th January 2025**. To be listed “**High on Board**”.

[S. M. MODAK, J.]