

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. APPLICATION NO. 82 OF 2024

Aseem Garg

.. Applicant

Versus

Madhur Garg & Anr.

.. Respondents

-
- Ms. Stuti Oswal i/by Ms. Shirin Merchant for Applicant
 - Mr. C.D. Mali, APP for State
-

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 9, 2024

P. C.:

1. Heard Ms. Oswal, learned Advocate for Applicant and Mr. Mali, learned APP for State.

2. Office note shows that Respondent No. 1 has been duly served. Respondent No. 1 is not present today. Hearing of the present Application cannot be protracted any further in view of the grounds made out in the Application as they are cogent and legal reasons.

3. Present Application seeks transfer of D.V. Act proceedings pending before JMFC, Pune to the Family Court at Pune where the Petition for divorce being P.A. No. 129/2023 filed by Respondent No. 1 is pending. It is the contention of Applicant that she has filed Marriage Petition in Family Court at Pune and therefore she seeks transfer and clubbing of D.V. Act proceedings filed by her in the JMFC,

Pune with the Marriage Petition so that both the proceedings can be heard and determined in accordance with law.

4. Ms. Oswal would draw my attention to the decision of the Supreme Court in the case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Shah**¹ and more specifically paragraph Nos. 9 to 10 thereof and would contend that in view of the issues in both the proceedings being interdependent on each other, in the interest of justice in order to avoid conflict of decisions through different Courts and twin trials, D.V. Act proceedings be transferred from JMFC, Pune to Family Court at Pune.

5. In view of the above and in view of the grounds stated in the Application, there can be no impediment in allowing the present Application. Hence, present Application is allowed in terms of prayer clause (a) which reads thus:-

"(a) This Hon'ble Court may kindly be pleased to transfer the Domestic Violence Application being Criminal M.A. No. 4810/2022 pending before the Judicial Magistrate First Class Pune to the Family Court No. 2, Pune where the petition for divorce being P.A. No. 129/2023 filed by the Respondent is pending."

6. Both the concerned Courts shall take cognizance of a server copy of this order and shall not insist on a certified copy of the order and act accordingly for transfer and re-registration of the proceedings as expeditiously as possible and in any events within two weeks from

¹ AIR 2022 SC 4318

the date of presentation of a server copy of this order to the Courts by the Advocates for the parties.

7. Family Court at Pune is directed to club both the proceedings together and determine the same strictly in accordance with law.

8. Criminal Application is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
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