

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. APPLICATION NO. 163 OF 2024

Amrinder Singh Sikand

.. Applicant

Versus

Parul Sikand & Ors.

.. Respondents

.....

- Ms. Stuti Oswal i/by Ms. Shirin Merchant for Applicant
- Ms. Maitreyee Garade (through VC) a/w Mr. Ajinkya Udane for Respondent Nos. 1 & 2
- Ms. S.E. Phad, APP for Respondent No. 3 - State

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 9, 2024

P. C.:

1. Heard learned Advocates appearing for parties as also learned APP.

2. Present Application seeks transfer of D.V. Act proceedings pending before JMFC Pimpri at Pune to Family Court, Pune where the Petition for Divorce being P.A. No. 1091/2023 filed by Applicant is pending. Ms. Oswal, learned Advocate for Applicant would submit that 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, the present Application be allowed.

3. Ms. Garade, learned Advocate appears for contesting Respondents through VC. At the outset, she would submit that

Respondent No. 1 does not have any objection if the present Application is allowed and transfer is effected. The conduct of Ms. Garade is appreciated by this Court. She has not argued and submitted any irrelevant submissions which is generally observed by this Court in such matters.

4. In view of the above and in view of the imprimatur of the Supreme Court in the case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha**¹ as also in view of the provisions of Section 24 of CPC which are *pari materia* with the provisions of Section 407 of Cr.PC., 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 Crim. M.A. No. 615/2020 pending before the Judicial Magistrate First Class Pimpri at Pune to the Family Court No. 5, Pune where the Petition for divorce being P.A. No. 1091/2023 filed by Applicant No. 1 is pending."

5. 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 event within two weeks from the date of presentation of a server copy of this order to the Courts by the Advocates for the parties.

¹ AIR 2022 SC 4318

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

Amberkar

[MILIND N. JADHAV, J.]

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