

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.151 OF 2023

Shikha Sandeep Nagar .. Applicant
Versus
Sandeep Dilip Nagar .. Respondent

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WITH
APPLICATION NO.169 OF 2024

Sandeep Dilip Nagar .. Applicant
Versus
State of Maharashtra and Ors. .. Respondents

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- Mr. S. C. Mangle, Advocate for Applicant in Miscellaneous Civil Application No.151 of 2023 and Respondent in Application No.169 of 2024.
 - Ms. Prabha Badadare, Advocate for Respondent in Miscellaneous Civil Application No.151 of 2023 and Applicant in Application No.169 of 2024.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 30, 2024

P.C.:

1. Heard Mr. Mangle, learned Advocate for Applicant in Miscellaneous Civil Application No.151 of 2023 and Respondent in Application No.169 of 2024 and Ms. Badadare, learned Advocate for Respondent in Miscellaneous Civil Application No.151 of 2023 and Applicant in Application No.169 of 2024. Both Applications are directed to be heard together and are on board for hearing.

2. Miscellaneous Civil Application is filed by Applicant – wife

seeking transfer of Marriage Petition No.A-2957 of 2022 filed by Respondent in Family Court, Bandra to Family Court, Pune.

3. Ms. Badadare would submit that there is a proceeding under the Protection of Women from Domestic Violence Act, 2005 (for short '**the said Act**') filed by the Applicant nomenclatured as PWDVA No.77 of 2023 in the Court of Judicial Magistrate First Class, Cantonment, Pune. She would urge the Court that the proceeding under the said Act be clubbed with the Marriage Petition of which transfer is sought to the Family Court, Pune.

4. Without delineating into the issue of hardship, Mr. Mangle in his usual fairness would submit that he has obtained instructions and would agree to the clubbing of both the aforesaid proceedings before the Family Court, Pune if the Application is allowed. In view of the above, the proceedings under the said Act is directed to be transferred and clubbed and heard together with the Marriage Petition which is transferred to the Family Court, Pune by this order. The stand adopted by Respondent is absolutely fair and appreciated by Court since no other objections or arguments are advanced otherwise.

5. At the request of Ms. Badadare, Family Court, Pune is directed that if either of the parties desire to appear through Video Conferencing in the proceedings, the Court shall permit and allow the parties to appear through Video Conferencing. All contentions of

parties are expressly kept open without delineating any opinion on merits.

6. In view of the approach shown by both the learned Advocates appearing for the respective parties, the Miscellaneous Civil Application stands allowed in terms of prayer clause (a) which reads thus:-

“a. This Hon’ble Court may be pleased to transfer the Petition No. A 2957 of 2022 pending on the file of Ld. Family Court Bandra to the Ld. Family Court, Pune.”

7. Mr. Mangle is permitted to file his Vakalatnama in Criminal Application No.169 of 2024 within a period of one week from today in the Registry. Registry is directed to accept the same.

8. In view of the above order, Criminal Application No.169 of 2024 filed by Respondent also stands disposed as agreed by the parties.

9. With the above directions, Miscellaneous Civil Application is allowed and disposed.