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IN THE HIGH COURT OF BOMBAY AT GOA

TRANSFER APPLICATION NO.6 OF 2024

Mrs. Marietta Domnic Fernandes
Wife of Mr Domnic Alex Fernandes
28 Years Old, Self Employed
Indian National
Resident of House No. 74/1, Fuldem Vaddo
Nagoa Bardez Goa 403516 ... Applicant.

Versus

Domnic Alex Fernandes
35 Years Old
Resident of House No 290
Polly Apartment
Flat No 11
Ground Floor, Father Peter Pereira Marg
Near Kohinoor City, Kurla(W)
Mumbai 400070 ... Respondent.

Ms. Sonali Talavnekar, Advocate for the Applicant. (through V.C.)
Ms. Prachi Joshi/Kabadi, Advocate for the Respondent.

CORAM: VALMIKI MENEZES, J.

DATED: 17th July, 2025

ORAL ORDER:

1. This is a transfer application filed by the Petitioner i.e. wife of the Respondent. The relief sought is for the transfer of Matrimonial Petition bearing No.A/2742/2023 filed by the Respondent husband

in the Family Court at Bandra, Mumbai. The Family Court dealing with this case is Court No.3, Judge No.3 at the Family Court Complex, Bandra, Mumbai.

2. The Petitioner seeks transfer of this case to any Civil Judge at Mapusa, on the ground that the Petitioner resides with her mother at Nagoa, Bardez, Goa within the jurisdiction of that Court. The Petitioner claims that she is required to travel to Mumbai to attend the Matrimonial case and she would examine her mother as one of her witnesses, which, logistically would make it difficult for her to travel to Mumbai every time she needs to attend the hearing.

3. It is a matter of record that in the Matrimonial case, the Written Statement was filed by the Petitioner on 25.11.2024 and at present, the matter is posted for recording the examination-in-chief of the Respondent on 05.08.2025. Obviously, the Petitioner would have to attend the hearings to instruct her Advocate during the cross examination of the Respondent and, thereafter, herself travel to Mumbai to lead her own evidence.

4. It is also a matter of record that subsequent to the receiving of summons in the Matrimonial petition, the Petitioner has filed a Domestic Violence proceeding under the Domestic Violence Act on 17.10.2024 which is pending before the Judicial Magistrate First Class, 'D' Court, Mapusa. This proceeding bears No.DVA/43/2024, in which, at the request of this Court, learned Advocate appearing for

the Respondent has waived service on 23.06.2025, and the matter is pending for filing of reply by the Respondent. In the Domestic Violence proceedings, the Petitioner has sought various orders, amongst which are an order of maintenance seeking monthly maintenance of Rs.50,000/-.

5. Considering these facts, it would be appropriate if the Matrimonial proceeding bearing No.A/2742/2023 pending before the Judge No.3 at the Family Court Complex at Bandra, Mumbai, be transferred to the file of the Civil Judge Senior Division at Mapusa. By consent, the parties agree that the Matrimonial proceeding No. A/2742/2023 shall stand transferred from the Court No.3, Judge No.3 at the Family Court Complex, Bandra, Mumbai to the file of the Civil Judge Senior Division, 'A' Court at Mapusa. Accordingly, the Presiding Officer of Court No.3, at the Family Court Complex, Bandra, Mumbai dealing with Matrimonial proceeding No. A/2742/2023, shall remit the concerned file of the Matrimonial proceedings within 30 days of the receipt of this order to the Court/file of the Civil Judge Senior Division at Mapusa, who shall register the same and proceed with the hearing of the suit from its last stage. An authenticated copy of this order shall be placed on record of the Family Court at Bandra by 05.08.2025, which is the next date of hearing for necessary action.

6. Considering that the Domestic Violence case is also pending between the same parties and is connected with the same dispute

before the J.M.F.C., 'D' Court at Mapusa, it would be appropriate, to exercise powers vested in this Court under Clause (c) of Sub-Section 1 of Section 407 Cr.P.C./corresponding provision Clause (c) of Sub-Section 1 of Section 447 BNSS, to transfer the Domestic Violence case bearing No. DVA/43/2024 before the J.M.F.C., 'D' Court to the file of J.M.F.C., 'A' Court, who incidentally also acts as the Civil Judge Senior Division, 'A' Court at Mapusa. This transfer is necessitated since it would be for the general convenience of the parties and the witnesses that would be required to be heard in the Domestic Violence case, and there would be certain common issues between the Matrimonial case and the Domestic Violence case, which would be handled by the same Judge more conveniently.

7. The J.M.F.C., 'D' Court is, therefore, directed to remit the case papers of Domestic Violence case No.DVA/43/2024 to the Court of the J.M.F.C., 'A' Court at Mapusa, who shall register this case and proceed with it in accordance with law from the stage when it was last dealt with by 'D' Court, Mapusa. Parties shall place an authenticated copy of this order before the 'D' Court at Mapusa by 13.08.2025 which is the next date of hearing of the Domestic Violence proceedings before the Magistrate.

8. The Registrar (Judicial) of this Court shall communicate this order to the four concerned Courts covered by this order preferably within a week from today. The communication may be effected through Email to the concerned Judicial Officer for further action.

9. The application stands disposed of in the aforementioned terms.

VALMIKI MENEZES, J.