

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.315 OF 2024**

Sheldon Deepak Vaz ... Applicant
versus
Ruchita Agarwal ... Respondent

Ms. Sushmitha Sherigar, for Applicant.
Mr. Ghanshyam Mishra with Ms. Ekta Bhalerao, Ms. Ekta Mistry, for Respondent.

CORAM: N.J.JAMADAR, J.

DATE : 28 FEBRUARY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for transfer of a proceeding under the Protection of Women from Domestic Violence Act, 2005, being Case No.70/DV/2024 from the Court of learned Metropolitan Magistrate, Kurla to the Family Court at Bandra, for hearing and disposal along with Petition No.A-1299 of 2023.
3. The marriage of the applicant was solemnized with the Respondent on 18 May 2013. In the wake of serious matrimonial dispute, where the applicant and Respondent accuse each other of infidelity, the applicant had instituted a Petition for dissolution of marriage before the Family Court at Bandra, being Petition No.A-1299 of 2023. The applicant contends, to give a counter blast, the Respondent – wife has filed proceedings under the Protection of Women from Domestic Violence Act, 2005, being Case No.70/DV/2024 in the Court of

SWAROOP
SHARAD
PHADKE

Digitally signed by
SWAROOP
SHARAD PHADKE
Date: 2025.03.10
19:53:14 +0530

the learned Metropolitan Magistrate at Kurla. The applicant seeks transfer of the said proceedings i.e. Case No.70/DV/2024 on the ground that the subject matter of both the proceedings is identical and there is possibility of conflicting decisions if the two proceedings are tried before the different courts.

4. The application is resisted by the Respondent-wife.

5. As both the proceedings are pending before the Courts situated within the limits of Mumbai Suburban District and the parties are also residing in Mumbai, the question of convenience is of little significance.

6. The prayer for the transfer of the proceedings under the Domestic Violence Act, 2005 to the Family Court at Bandra on the ground that there would be conflicting decisions if both the proceedings are tried by different courts, cannot be readily acceded to. The object of the proceedings under the Protection of Women from Domestic Violence Act, 2005 is materially distinct. Such proceeding is to be tried in a time bound manner. It cannot be said that the subject matter of both the proceedings is identical. Different considerations come into play while determining the entitlement to various reliefs under the Protection of Women from Domestic Violence Act, 2005. In a sense, a Magistrate is better equipped to deal with the proceedings under the said Act, 2005. Transfer of the proceedings under the Act, 2005 to the Family Court at Bandra, may derail the cause of expeditious and effective disposal of the said proceeding. Such a course has the potential to cause further

prejudice to the wife, who claims to be in a state of vagrancy and destitution.

7. I am, therefore, not inclined to transfer the proceedings under the Protection of Women from Domestic Violence Act, 2005, being Case No.70/DV/2024, to the Family Court at Bandra.

8. The Misc. Civil Application, thus, stands rejected.

(N.J.JAMADAR, J.)