

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO. 330 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Date: 2025.05.13
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Dipu Mathuradas Tanna ...Applicant
Versus

Geeta Dipu Tanna ...Respondent

Ms. Kalpana Trivedi, for the Applicant.

Ms. Yashika Jain, through VC, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 7th MARCH, 2025

Order:-

1. Heard the learned Counsel for the parties.
2. This is an application for transfer of DV/60/2024 from the Court of Magistrate at Borivali to the Family Court at Bandra.
3. In the wake of marital disputes two proceedings are pending before the Family Court; one for dissolution of marriage filed by the applicant – husband and another for restitution of conjugal rights filed by the respondent – wife.
4. As the proceedings are pending before the Courts within the Mumbai Sub-urban District, the question of convenience or inconvenience of the parties does not assume any significance.

5. The object of the proceedings under the Protection of Women from Domestic Violence Act, 2012 ("DV Act") is materially distinct from the matrimonial petitions filed before the Family Court. The proceeding under the DV Act is required to be determined in a time frame. The Court is informed that as of date the applicant is in arrears of the maintenance awarded by the Family Court in the proceeding under the Maintenance Petition, to the tune of Rs.8,00,000/-. In these circumstances, the Magistrate is better equipped to deal with the proceedings under the DV Act.

6. Thus, there is no propriety in entertaining this application.

7. The application stands rejected.

[N. J. JAMADAR, J.]