

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 476 OF 2024

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2025.01.24
18:00:30 +0530

Meenal Neeraj Phanse

...Applicant

Versus

Neeraj Shailesh Phanse

...Respondent

Mr. Rahul Karnik, i/b Narayan Rokade, for the Applicant.
Ms. Sonal Parab, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 24th JANUARY, 2025

ORDER:-

1. Ms. Parab, the learned Counsel, submits that she has instructions to appear on behalf of the respondent and undertakes to file Vakalatnama on behalf of the respondent during the course of the day.
2. This application is filed seeking transfer of proceeding being Marriage Petition No.A389 of 2024 pending on the file of the learned Judge, Family Court at Thane, to the Family Court at Bandra, Mumbai.
3. The marriage of the applicant was solemnized with the respondent on 5th July, 2023. In the wake of marital discord, disputes arose between the parties. The applicant has lodged report, being FIR No.232 of 2024, registered with R.A. Kidwai

Marg Police Station, for the offences punishable under Sections 498-A, 377, 406, 509, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and Section 3 of the Dowry Prohibition Act, 1986. The applicant has also filed Petition No.A1875 of 2024 before the Family Court at Bandra seeking annulment of marriage. The respondent, on his part, has filed a petition being Petition No.389 of 2024 before the Family Court at Thane for a decree of dissolution of marriage.

4. The applicant has preferred this application seeking transfer of the proceedings pending on the file of the Family Court at Thane as an earlier petition instituted by the applicant is pending before the Family Court at Bandra. The applicant resides at Parel, Mumbai. The applicant finds it inconvenient to attend the proceedings at Thane.

5. Heard the learned Counsel for the parties.

6. It appears that in a short span of cohabitation the applicant and the respondent turned astray, leading to filing of multiple proceedings. In the backdrop of the nature of the dispute between the parties, resulting in rival petitions for annulment of marriage and dissolution of marriage, it would be expedient in the interest of justice that both the proceedings are decided by one and the same Court as

identical issues of facts and law may arise for consideration. Lest, there is possibility of conflicting decisions.

7. In the circumstances, the application stands allowed in terms of prayer clause (c).

8. The proceeding being Petition No.A389 of 2024 pending on the file of Family Court at Thane stands transferred to the Family Court at Bandra, Mumbai, for hearing and disposal in accordance with law, alongwith Petition No.A1875 of 2024.

9. The learned Judge, Family Court, Thane, shall transfer the record and proceedings in Petition No.A389 of 2024 with such dispatch that it reaches the Family Court at Bandra within a period of four weeks from the date of communication of this order.

10. The learned Counsel for the parties further submit that the parties be referred to mediation. The Court also finds that, there is an element of settlement of the dispute if the parties are referred to mediation.

11. Thus, with the consent of the parties, Mr. Rajiv Patil, Senior Advocate, is appointed as a Mediator.

12. The parties shall appear before the learned Mediator after ascertaining his convenience.

13. The learned Mediator is requested to make an endeavour to explore the possibility of amicable resolution of dispute through mediation.

14. A report of mediation be submitted to the Family Court, Bandra, within a period of six weeks.

15. Application stands disposed.

[N. J. JAMADAR, J.]