

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 511 OF 2024

Toral Jatin Patel ...Applicant
Versus
Jatin Ranjit Ptel ...Respondent

SANTOSH
SUBHASH
KULKARNI

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Mr. Ranvir Shekawat, a/w Shivam Mishra, i/b Raj Legal, for
the Applicant.
Mr. Ashley Cusher, for the Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 28th MARCH, 2025

Order:-

1. Heard the learned Counsel for the parties.
2. This is an application for transfer of Marriage Petition No.A49/2024 from the District Court at Vasai to the Family Court at Bandra, Mumbai.
3. The marriage of the applicant was solemnized with the respondent on 15th January, 2016. They are blessed with a son. In the wake of the marital discord, the respondent has filed a petition, being Marriage Petition No.A49 of 2024, before the District Court at Vasai under Section 27(b) and (d) of Special marriage Act, 1954. The applicant, in turn, has filed a petition, being Petition No.C20 of 2024, under Section

18 (i) (a) (b) and 20 of the Hindu Adoption and Maintenance Act, 1956, before the Family Court at Bandra.

4. The learned Counsel for the respondent submitted that the respondent is residing at Dubai. There is a possibility of settlement of the dispute, if parties are referred to mediation.

5. Since the respondent is stated to be residing at Dubai, the element of convenience of the respondent, does not arise. Moreover, the transfer of the marriage petition to the Family Court at Bandra for hearing and disposal alongwith Petition No.C20 of 2024 filed by the applicant under Sections 18 and 20 of the Hindu Adoption and Maintenance Act, 1956 would promote the cause of orderly, effective and complete adjudication of all the disputes between the parties and the possibility of conflicting decisions would also be avoided.

6. Therefore, upon transfer of proceeding to the Family Court at Bandra, the parties can be referred to mediation. The learned Counsel for the applicant fairly submitted that the applicant does not insist for physical presence of the respondent for the purpose of mediation.

7. Hence, the following order:

: O R D E R :

(i) The application stands allowed.

- (ii) Marriage Petition No.A49/2024 pending on the file of District Court at Vasai stands transferred to the Family Court at Bandra, Mumbai. for hearing and disposal in accordance with law alongwith Petition No.C20 of 2024.
- (iii) The learned Judge, District Court at Vasai, shall transfer the record and proceedings in Marriage Petition No.A49/2024 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.
- (iv) The learned Judge, Family Court, Bandra, seized with Petition No.C20 of 2024, is requested to appoint a Judge – Mediator to explore the possibility of mediated settlement of the dispute.
- (v) The respondent is at liberty to appear in the proceedings before the Family Court at Bandra as well as in the mediation proceeding, through Video Conferencing. However, whenever the learned Judge, Family Court, considers it appropriate and directs the respondent to appear in person, the respondent shall appear before the Family Court.

(vi) Application stands disposed.

No costs.

[N. J. JAMADAR, J.]