

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

MISCELLANEOUS CIVIL APPLICATION NO.518 OF 2024

- | | | | |
|----|----------------------------------|---|----------------|
| 1. | Ameya Anil Bothara |] | |
| | Age: 35 years, Indian Habitant, |] | |
| 2. | Anil Hemraj Bothara |] | |
| | Age: 63 years, Indian Habitant, |] | |
| 3. | Padmaja Anil Bothara |] | |
| | Age: 59 years, Indian Habitant, |] | |
| 4. | Priyal Anil Bothara |] | |
| | Age: 30 years, Indian Habitant, |] | |
| | All above r/at: Flat No. A1-202, |] | |
| | Cosmos Regency, Baner, |] | |
| | Pune - 411 045. |] | ...Applicants. |

Versus

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|--|--------------------------------|---|----------------|
| | Sneha Ameya Bothara |] | |
| | Age: 33 years, Indian Habitant |] | |
| | A/at: C/o Santosh Kothari |] | |
| | Flat No.203, Mandot Tower, |] | |
| | Opp. Shanti Nagar Society |] | |
| | Kondhwa Budruk, Pune - 411048. |] | ...Respondent. |

Adv. Mrunal Surana (VC) i/by Adv. Ruturaj Bathe for the Applicant.

CORAM : KAMAL KHATA, J.
RESERVED ON : 22nd August, 2025.
PRONOUNCED ON : 3rd September 2025.

JUDGMENT:

- 1) This application is filed by the husband, his father, his mother and sister against the Respondent-wife.

- 2) By this Application, under Section 24 of the Code of Civil

Procedure 1908, the Applicants seeks transfer of Cri.M.A. No. 5241 of 2019, instituted by the Respondent-wife before the Judicial Magistrate First Class, Pune, under the provisions of the Protection of Women from Domestic violence Act 2005, to the Family Court, Pune, where the Applicant-husband has filed Petition No. 1996 of 2021 seeking divorce, and wherein the Respondent-wife has filed a counterclaim for restitution of conjugal rights.

3) Mr. Surana, learned Advocate for the Applicants, submits that the reliefs available under the DV Act can also be claimed before the Family Court.

4) He further submitted that the facts and issues in both proceedings are substantially the same, and consequently, the evidence would also overlap. If the proceedings are consolidated before one Court they can be disposed of more conveniently and expeditiously.

5) The DV proceedings are at a preliminary stage, where the Interim Maintenance Application is pending and issues are yet to be framed. Both parties reside at Pune, there are no children from the wedlock, and hence, no inconvenience would be caused to either party if the matters are heard together before the Family Court.

6) Learned Advocate further submits that despite service of notice on 20th December 2024 and again on 8th August 2025, when

the matter was placed before this Court, the Respondent has chosen to remain unrepresented.

7) Considering the decision of the Supreme Court in *N.C.V. Aishwariya v. A.S. Saravana Karthik Sha*¹, wherein, it was held that:

“10. when two or more proceedings are pending in diferent Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions”.

8) Having considered the facts and circumstances of this case and the pleadings on record, I find no impediment in granting the relief sought.

9) The Application is allowed in terms of prayer clause (a).

(KAMAL KHATA, J.)

¹ 2022 SCC OnLine SC 1199.