

V/s.

Raghav Babasaheb Khandare ... Respondent

Ms. Vrushali Maindad for the respondent no. 1.

Mr. Y.M. Nakhwa, APP for the State.

CORAM : N.J. JAMADAR, J.

DATE : 22nd AUGUST 2025

PC:

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 D.V. Case No. 143 of 2023, from the Court of Additional Chief Judicial Magistrate, Kurla to the 2nd Family Court at Bandra, Mumbai.
3. The marriage of the applicant was solemnized with respondent no. 1 on 7th December 2009.
4. In the wake of marital discord, the applicant was constrained to reside separately from the respondent. Eventually, the applicant filed a proceeding under the Protection of Women from Domestic Violence Act, 2005 before the Court of Additional Chief Judicial Magistrate,

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Kurla. To give a counterblast, the respondent no. 1 has filed a petition for dissolution of marriage, being Petition No. A-2492 of 2023, before the Family Court at Bandra. Hence, this application for transfer of DV proceeding to the Family Court at Bandra.

5. The parties were referred to mediation. However, mediation has not been successful.

6. The trial of DV proceeding with the petition for dissolution of marriage before the Family Court would advance the cause of justice, obviating the duplication of recording of evidence and adjudicatory process. The parties would also be relieved of the burden of costs and expenses of prosecuting and defending two proceedings before two different forums. The Family Court has jurisdictional competence and is well equipped to decide both the proceedings in a holistic manner. Therefore, I am inclined to allow the application.

7. Hence, the following order:

ORDER

a) The application stands allowed in terms of prayer clause (a).

b) DV Case No. 143 of 2023 stands transferred from the Court of Additional Chief Judicial Magistrate, Kurla to 2nd Family Court at Bandra, Mumbai for hearing and disposal in accordance with law, along with Petition No. A-2492 of 2023.

c) The learned Additional Chief Judicial Magistrate,

Kurla shall transfer the record and proceeding in DV Case No. 143 of 2023 with such dispatch that it reaches the 2nd Family Court at Bandra, Mumbai, within a period of four weeks from the date of communication of this order.

d) The learned Judge, Family Court at Bandra is requested to decide the applications for interim maintenance as expeditiously as possible.

No costs.

(N.J. JAMADAR, J)