



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

MISC. CIVIL APPLICATION NO. 61/2025

UMAR MATIN SHAIKH

..APPLICANT

VS

AFSANA UMAR SHAIKH

..RESPONDENT

Adv. Sufyaan Mansuri i/b. Adv. Ajinkya Udane for applicant.
Adv. Abdul Kadar Millwala for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 14 OCTOBER 2025.

P.C. :

1. After this matter was argued for some time, learned counsel appearing for the applicant, husband on instructions of his client submits that purpose of the present proceedings would be served only if custody petition filed by the wife before the Judicial Magistrate First Class, Cantonment Pune, under the provisions of the Muslim Women (Protection of Right on Marriage) Act, 2019, is transferred to the Family Court at Pune where the custody petition filed by the husband under the Guardian and Wards Act, 1890 is already pending. It is further submitted that the domestic violence proceeding pending before the Judicial Magistrate First Class, Cantonment Court, Pune, may continue with the said Court, since the reliefs sought in both the custody petitions are identical.

- 2.** Mr. Abdul Kadar Millwala, learned counsel appearing for the respondent has opposed this application.
- 3.** This Court is of the view that learned counsel appearing for the applicant-husband has fairly stated that prayer clause (a) is not being pressed and the present application be considered only to the extent of prayer clause (b).
- 4.** After hearing learned counsel for the parties and upon perusal of the prayers in the custody petition filed by the wife, which contains prayers identical to those in the custody petition filed by the husband, I am of the view that the application can be allowed to the extent of prayer clause (b).

ORDER

- (I) **Misc. Civil Application stands allowed in terms of prayer clause [B].** The said prayer clause [B] reads as under:-

[B] That this Hon'ble High Court may transfer the Cri.MA/539/2024 under Section 6 of the Muslim Women (Protection of Right on Marriage) Act, 2019 for permanent custody of minor child proceeding filed by Respondent wife and tag along with the Petition D no. 58/2024 which is filed by Applicant Husband in Family Court, Pune Under Section 25 of guardian and wards Act r.w Family Court Act 7 (1) (g) filed for Son Aadam's Permanent Custody.

- (II) The prayer clause [A] is not pressed.

- (III) The transferred Criminal M.A. No. 539 of 2024 be heard along with Petition D No.58/2024 by one and the same Judge and the hearing of the same is hereby expedited.
- (IV) Misc. Civil Application is disposed of accordingly.

(Rajesh S. Patil, J.)