



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

MISC. CIVIL APPLICATION NO. 98/2025

BABITA PRAVIN MALKANI ..APPLICANT
VS
PRAVIN HARKISHAN MALKANI ..RESPONDENT

Ms. Taubon F. Irani for applicant.

Mr. Ishwar Nankani a/w. Ms. Gauri Mestha i/b. L.J. Law for
respondent no.1.

Mr. Jagdish Choudhary i/b. M/s. Raj Legal for respondent nos. 2 to 4.

CORAM : RAJESH S. PATIL, J.

DATE : 15 OCTOBER 2025.

P.C. :

1. This transfer proceeding is filed by the applicant, wife of the respondent, seeking transfer of the domestic violence proceeding filed by her before the Metropolitan Magistrate, 10th Court at Andheri, Mumbai to the Family Court at Mumbai.

2. I have heard learned counsel for the parties and I have gone through the documents on record.

3. Admittedly, in the domestic violence proceedings, the applicant, wife has filed affidavit of evidence on 6 March 2024. The matter is now pending for cross-examination. So also, in the proceeding filed under Section 498-A of the Indian Penal Code, the

applicant, wife is already in the witness box. The husband has filed the divorce proceedings before the Family Court at Bandra, Mumbai and in the said proceeding, he has already filed his affidavit of evidence.

4. However, as far as present proceeding is concerned, the domestic violence proceeding filed by the applicant, wife in the year 2018 and she has already stepped into the witness box by filing affidavit of evidence around one and half year back, hence, I am of the view that at such a late stage, the said domestic violence proceeding cannot be transferred to the Family Court at Bandra.

5. Misc. Civil Application stands rejected.

(Rajesh S. Patil, J.)