

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.170 OF 2021

Mr. Varun Shalikram Tiwari & Ors. .. Applicants

v/s.

Mrs. Mamta Varun Tiwari & Ors. .. Respondents

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Mr. Vikram Sutaria, for the Applicants.

Mr. Dilip Rai, i/b. Aruna Singh, for Respondent No.1.

Mr. Arfan Sait, APP, for State.

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CORAM: R.G. AVACHAT, J.

DATE : 24 JANUARY 2023.

P.C:-

The Applicant-husband has preferred this application for transfer of proceedings initiated under Section 12 of the Protection of Women from Domestic Violence Act, 2005, from Court in Mumbai to the Court at Silvassa.

2. According to learned Advocate for the Applicants, the Respondent/wife has been residing at Silvassa. Son of the Applicant and Respondent is taking education there. 498-A case has been lodged at Silvassa itself. It is only with a view to harass the Applicants,

proceedings under Domestic Violence Act have been instituted at Mumbai. He, therefore, urge for transfer of the same to the Court at Silvassa.

3. The Respondent-wife hailed from Mumbai. Her parents are Mumbai based. It is only on account of her marriage with the Applicant Varun, she had been staying at her matrimonial home at Silvassa. On account of matrimonial discord, she appears to have come back to Mumbai. This Court is, therefore, not inclined to grant the prayer for transfer of D.V. proceedings from the Court in Mumbai to Court at Silvassa.

4. Since proceedings under Section 12 of D.V. Act are in the nature of civil proceedings, the Applicants need not appear before the court dealing with the said proceedings in Mumbai. The Applicants may appear through their Advocate and cooperate to take the proceedings to its logical conclusion without any hindrance.

5. With the aforesaid observations, the application stands disposed of.

**(R.G. AVACHAT, J.)**