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6-7-8-9-11-appln-143-23.odt

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

CRIMINAL APPLICATION NO.143 OF 2023

Siddharth GhumreApplicant
Versus
Nivedita Ghumre alias
Nivedita Londhe and another Respondents

....
WITH
CRIMINAL APPLICATION NO.257 OF 2021
WITH
INTERIM APPLICATION NO.611 OF 2022
IN
CRIMINAL APPLICATION NO.257 OF 2021

....
WITH
CRIMINAL APPLICATION NO.255 OF 2022

....
WITH
CRIMINAL APPLICATION NO.95 OF 2023

....
WITH
CRIMINAL APPLICATION NO.147 OF 2021

Ms. Stuti Oswal, Advocate i/b. Shirin Merchant for the
Applicant in APPLN/143/2023.

Mr. Vaibhav Patankar, Advocate i/b. Patankar and Associates
for the Applicant in APPLN/257/2021.

Mr. Sagar Ambedkar, Advocate for the Applicant in
APPLN/255/2022.

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Deshmane(PS)

Mr. S.R. Moray, Advocate i/b. Shivani S. Shinde, for the Applicant in APPLN/95/2023.

Ms.Swapna P Kode, Advocate for the Applicant in APPLN/147/2021.

Mr. Rohit D. Gorade, Advocate i/b. R.N. Gite, for the Respondent No.1 in APPLN/143/2023.

Mr. Bimal Bhabhda, Advocate for the Respondent No.1 in APPLN/95/2023.

Ms. Urmila Bhatia, the Respondent No.2 in person present in Court in APPLN/147/2021.

Mr. A.R. Patil, APP for the Respondent-State in APPLN/143/2023 and APPLN/257/2021.

Ms. M.R. Tidke, APP for the Respondent-State in APPLN/255/2022.

Mr. N.B. Patil, APP for the Respondent-State in APPLN/95/2023.

Mr. Arfan Sait, APP for the Respondent-State in APPLN/147/2021.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th AUGUST, 2023

PC. :

1. In all these matters, a common question involved is whether the Family Court established under the Family

Courts Act, 1984 is competent to conduct the proceedings and give the relief under the Protection of Women from Domestic Violence Act, 2005 and whether the proceedings under the D.V. Act can be transferred to the Family Court.

2. I am informed that there are conflicting decisions of different Single Judge Benches. Recently the same issue was heard by a co-ordinate Bench in Misc. Civil Application No.477/2022. The order dated 2.8.2023 passed in that application records that the arguments were concluded and the judgment/order was reserved.

3. To avoid a possibility of conflicting orders, it would be appropriate if all these matters concerning the common issue are decided by one Bench and, therefore, it is necessary that an administrative order is passed so that all these matters can be decided by one Bench.

4. Considering this, the Registry is directed to take steps in that behalf so that all these matters are placed before the same Bench and they can be decided together by the same Bench. All these matters be tagged together for

deciding this legal issue. In the matters where the ad-interim relief is granted earlier, it shall continue for a period of four weeks from today.

(SARANG V. KOTWAL, J.)