

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

MISCELLANEOUS CIVIL APPLICATION NO.284 OF 2018

Sachin Vittal Tupe ...Applicant

Versus

Mrs. Ashwini Sachin Tupe ...Respondent

.....

Ms Rupali Y. Sapre for the Applicant.

Mr. Ashish P. Pawar for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 20th DECEMBER, 2018.

P.C.:-

At the outset, the learned counsel for the Applicant seeks leave to amend the application so as to correct the number of the petition in the paragraph Nos. 1 and 2(B) of the application, which is mentioned as A 1983 /2018 instead of A 1983 of 2017. Leave is granted. Amendment to be carried out forthwith.

2. By this application under Section 24 of the CPC, the Applicant has sought transfer of proceedings in M.P. No.604 of 2016 pending before the C.J.S.D., Kalyan to the Court No.3 at Family Court, Bandra.

3. Heard the learned counsel for the respective parties. The

transfer is sought mainly on the ground that the Petition No.1983 of 2017, which is a petition for restitution of conjugal rights, is pending before the Family Court No.3, Bandra, whereas M.P. 604 of 2016 is pending before C.J.S.D., Kalyan. Since both the petitions arise from the matrimonial dispute between the same parties, it is just and proper that both the matters should be tried together so as to avoid delay as well as conflicting judgments.

4. Hence, the application is allowed. The proceedings in M.P. No.604 of 2016 pending before the C.J.S.D., Kalyan is transferred to the Court No.3 at Family Court, Bandra. The learned Civil Judge, Senior Division, Kalyan, is hereby directed to transmit the papers and proceedings in M.P. No.604 of 2016 to the Court No.3, Family Court, Bandra, by following necessary procedure.

5. At this stage, the learned counsel for both the parties have submitted that the parties are desirous of settling the dispute amicably and they have agreed to hold settlement talks. In the light of the said statement, the learned Judge, Court Room No.3, Family Court at Bandra, may not proceed with the proceedings for a period of four months. In the event the parties are unable to resolve the dispute

amicably, they shall report to the Family Court after a period of four months. The learned Judge thereafter shall endeavour to dispose of the matters as expeditiously as possible, in accordance with law.

(SMT. ANUJA PRABHUDESSAI, J.)