

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

944 MISC.CIVIL APPLICATION NO.225 OF 2018

**NEETA AMIT SOLANKE
VERSUS
AMIT ANIL SOLANKE**

...

Advocate for Applicant : Mr.Nirmal Ramchandra J.
Advocate for Respondent : Mr.Kakade Amol N. and Mr.Darandale
Ganesh P.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 02.12.2022.

PER COURT :

1. The learned counsel for the applicant tendered across the bar affidavit-in-rejoinder. It is taken on record. Copy of it is furnished to the other side.
2. Leave to correct the proceeding number as "petition No. A-261 of 2021" in prayer Clause (B and C).
3. Heard rival submissions.
4. The applicant is seeking transfer of petition A-261 of 2021 from the Family Court Akola to the Family Court Parbhani. The learned Counsel for the applicant submits that the applicant is

suffering from polio and is 50% disabled, having no source of income. She has also filed Marriage Petition bearing No. 231 of 2018 for restitution of conjugal rights in Family Court Parbhani wherein, the respondent had already appeared. She has also filed maintenance proceedings under Section 125 of Cr.P.C. against the respondent and the same is going on before the C.J.M., Parbhani.

5. On the contrary, the learned counsel for the respondent relying on the reply of the applicant strongly opposed the application on the ground that like the applicant the respondent is also physically disabled person having 85% disability on account of “cerebral palsy with paraplegia”.

6. However, during the course of arguments, it is pointed out that all the aforesaid proceedings filed against each other by the applicant and the respondent, are at the stage of hearing. Moreover, the respondent husband has also appeared in the proceedings at Parbhani. The learned counsel for the applicant relied upon the latest view of the Hon’ble Supreme Court in the case of **N.C.V. Aishwarya Vs. A.S. Sarvana Kartik Sha, 2022 Live Law (SC) 627** wherein, it is specifically observed that when two or more proceedings are pending in different Courts between the same parties, which raise common question of fact and law, and when the decisions in the

cases are inter-dependent, it is desirable that they should be tried together by the same Judge, so as to avoid multiplicity in trial of the same issues and conflict of decisions. This observation squarely applies to the present matter since on the same set of facts the applicant and respondent are seeking reliefs against each other. In view of the same following order is passed :

ORDER

- i) The application is allowed.
- ii) The Marriage Petition No. A-261 of 2021 is hereby transferred from the Court of Family Court Akola to the family Court Parbhani for its simultaneous disposal along with the Petition No. 231 of 2018 filed by the applicant therein, according to law.
- iii) The respondent is directed to appear before the family Court Parbhani on or before 02.01.2023.

**(SANDIPKUMAR C. MORE)
JUDGE**

mahajansb/