

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

MISC. CIVIL APPLICATION NO.182 OF 2021

Mukta Saiprasad Shetty ..Applicant
Versus
Saiprasad Dayanand Shetty ..Respondent

Ms. Anita Y. Murgude, for the Applicant.

CORAM : NITIN W. SAMBRE, J.

DATE : 7th APRIL, 2022

PC.

1. The transfer of restitution of conjugal rights proceedings being Marriage Petition No.A-317 of 2021 initiated by the non-applicant pending on the file of Family Court, Bandra is sought, as according to the applicant/wife after matrimonial discord, she has already initiated proceedings being Marriage Petition No.366 of 2020 which are pending on the file of Civil Judge, Senior Division, Thane.

2. None appears for the non-applicant though served.

3. Proceedings initiated by the non-applicant are later in point of time and both the proceedings viz. initiated by the applicant, and the non-applicant are based on identical set of facts. As such, there is likelihood of recording of overlapping of

observations by different Courts on the same set of facts.

4. As such, judicial discipline warrants that both the proceedings be tried together.

5. That being so, application stands allowed in terms of prayer clause (a).

[NITIN W. SAMBRE, J.]