

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

MISC. CIVIL APPLICATION NO.173 OF 2021

Abhijit Mahendra Naik and Anr. ..Applicants
Versus
Ashlesha Abhijit Naik ..Respondent

Ms. Jai A. Vaidya a/w Tanvi Wagle, for the Applicants.
Mr. Gautam T. Kanchanpurkar, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 8th MARCH, 2022

PC.

1. Leave to amend.
2. Amendment to be carried out forthwith.
3. The prayer for transfer and clubbing of the matter is sought on the ground that on same set of facts between the same parties, there might be recording of overlapping findings. It is claimed that application for maintenance needs to be granted in terms of prayer clause (a).
4. The prayer is opposed by the counsel for the non-applicant/wife as according to her the proceedings which are initiated by her are at advanced stage.
5. Considered submissions.

6. There appears to be substance in the submissions of learned counsel for the applicant, as both the proceedings respectively initiated by the parties to the application are on same set of facts and evidence and there is likelihood that two different Courts on the same set of facts may record overlapping findings. Apart from above, this Court is required to be sensitive to the fact that clubbing of the matter will save the precious judicial time as there will be repetition of recording of evidence in these matters.

7. That being so, application is allowed in terms of prayer clause (a).

8. Family Court is requested to try both the matters initiated by the parties together.

9. Family Court is further requested to expedite the hearing of application for grant of maintenance, as I am informed that the non-applicant/wife is custodian of the minor child.

[NITIN W. SAMBRE, J.]