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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 222 OF 2021**

AARTI GIRISH TAMBE @

AARTI RAMESH MORE

....Applicant

V/s

GIRISH SHANKAR TAMBE

....Respondent.

Mr. Ravindra Pal i/b Mr. Ravindra V. Sankpal for the Applicant.

Mr. Abhishek Patil for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 18, 2022

P.C.:-

1] Section 9 Application for restitution of conjugal rights is pending at the behest of the Applicant at Pune Court which is duly attended by the non-applicant, whereas non-applicant's proceedings for divorce are pending on the file of the Family Court, Thane.

2] Since both these proceedings are based on similar set of facts and evidence, to avoid overlapping of the findings and for convenience of the Applicant, though resisted by non-applicant this Application is allowed on the ground of hardship to the Applicant and judicial discipline in terms of prayer clause (a). Prayer clause (a) reads as under:-

“a. That Marriage Petition No.A-185 of 2021 pending be withdrawn from the Board of First Family Court, Thane and be transferred to third Family Court at Pune, where a Petition No.A-1607 of 2021 for Restitution of Conjugal Rights u/s. 9 of the Hindu Marriage Act, 1955 is pending for adjudication on merits.”

3] Application is disposed of.

(NITIN W. SAMBRE, J.)