

ISM

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

**CIVIL APPELLATE JURISDICTION**

**MISC. CIVIL APPLICATION NO. 33 OF 2020**

SOU. VRASHALI RAHUL KAMBALE

....APPLICANT

V/s.

SHRI. RAHUL BHAGWAN KAMBALE

....RESPONDENT

Mr. Yogesh G. Thorat Advocate for the Applicant

**CORAM : NITIN W. SAMBRE, J.**

**DATE: MARCH 9, 2022.**

**P.C.:**

1) It is brought to my notice that proceedings initiated under Section 12 of the Protection of Women from Domestic Violence Act are pending before Court of Chief Judicial Magistrate, Solapur which was duly attended by non-applicant husband.

2) Apart from above, recovery proceedings for maintenance are also initiated vide Cri. Misc. Application No. 619/2018 before Chief Judicial Magistrate, Solapur.

3) In the aforesaid background, ground of hardship is pressed as

it is claimed that Applicant is custodian of a minor son and hardship in travelling from Solapur to Mumbai.

4) As the aforesaid contentions are not controverted, Application is allowed in terms of prayer clause (a) which reads thus:

“(a) This Hon’ble Court be pleased to transfer Petition A No. 2455 of 2018 filed by the Respondent in the Court of Learned Family Court, Bandra, Mumbai to the Learned Family Court at Solapur.”

5) In view of pendency of proceedings at the behest of rival parties in two different Courts, there is every likelihood that two different courts may record overlapping findings on the same set of facts and evidence. As such, judicial discipline warrants that proceedings are tagged and be heard together.

6) It is directed that Domestic Violence Act proceedings and maintenance proceedings initiated by the applicant be tagged and heard with proceedings under Hindu Marriage Act initiated by the non-applicant.

**[NITIN W. SAMBRE, J.]**