

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

974 MISC.CIVIL APPLICATION NO.250 OF 2022

PRATIKSHA LALIT PATIL
VERSUS
LALIT BHASKAR PATIL

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Advocate for Applicant : Mr. P. H. Patil
Advocate for Respondent : Mr. Akshay Kulkarni h/f
Mr. Amit Yadkikar

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 24/02/2023.**

P. C. :

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Petition No.A-235 of 2022 filed by respondent- husband for restitution of conjugal rights from Family Court, Aurangabad to the Court of CJSD, Shahada.
3. According to the applicant-wife, she is not having any independent source of income. Moreover, the distance between Shahada and Aurangabad is about 300 Kms. and therefore, it would be highly difficult for her to travel to Aurangabad. She has also filed proceedings under PWDV Act at Shahada, wherein the respondent – husband has already appeared.
4. The learned counsel for the respondent- husband strongly opposed the application on the basis of affidavit in reply filed by the respondent / husband on the ground that the respondent sincerely feels the matter can be resolved by mediation without any interference of parents of the applicant. However, in the alternative, he submits that the applicant can appear in the proceeding at Aurangabad through video-conferencing.

5. However, the facility of video-conferencing will also be available to the respondent to attend dates at Shahada. Since the husband has appeared at Shahada in DV proceeding, he can also appear in his application if transfer to Shahada. Now it is settled that if different proceedings are pending at different courts based on same set of facts, then both such proceedings dealt by one and the same court to avoid conflict of decision. As such, considering the convenience of applicant, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition No.A-235 of 2022 pending in the Family Court Aurangabad is transferred to the Court of CJSD, Shahada for disposal according to law.
- (iii) The respondent is directed to appear before Court of CJSD, Shahada on or before 15/03/2023. He will be at liberty to appear in both the proceedings at Shahada through his advocate except on the dates where his physical presence is necessary. He is also liberty to avail facility of video-conferencing where-ever possible.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)