

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.289 OF 2024

Sanjay Shashikant Waskar .. Applicant
Versus
VijayaLaxmi Sanjay Waskar .. Respondent

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- Mr. Vipin Bidkar, Advocate for Applicant.
 - Ms. Stefy J. Dias i./by Mr. Umesh R. Mankapure, Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 29, 2024

P.C.:

1. Heard Mr. Bidkar, learned Advocate for Applicant and Ms. Dias, learned Advocate for Respondent.

2. Though Miscellaneous Civil Application is filed for seeking transfer of Application filed under Section 9 filed by Respondent - Wife in Solapur to the Court of Civil Judge Senior Division in Pune, Mr. Bidkar on instructions would submit that if Marriage Petition filed by Applicant in Pune is transferred to the Family Court at Solapur and if the Application filed under Section 9 is clubbed alongwith the said Marriage Petition, it would enure to the benefit of both the parties.

3. This submission is made by him on the ground that the proceedings are pending between the same parties; that they raise common questions of fact and law; that the decision in the matters will be interdependent on each other and it will be desirable to have them

tried together by the same Judge in order to avoid multiplicity in trial of the same issues by two Courts as also conflict of decisions.

4. Submissions made by Mr. Bidkar appeal to the Court. However in view of the application filed before the Court, the said submission cannot be allowed at this stage.

5. Mr. Bidkar would submit that the Applicant be permitted to amend the Application to that effect so that the Applicant can seek the relief of transfer of Marriage Petition which is filed in Pune by the Applicant to the Family Court at Solapur, as also the direction for clubbing the pending proceedings under Section 9 before the Court at Solapur.

6. There are various reasons given by Mr. Bidkar as to why the present Miscellaneous Civil Application was filed since according to him the Respondent had obtained twin interim orders for payment of maintenance during the interregnum but in preceding three years of pendency of the Marriage Petition before the Court in Pune, she has visited the Court only once.

7. In that view of the matter, I am inclined to accept the request made by Mr. Bidkar and permit him to amend the present Miscellaneous Civil Application. Leave to amend is granted. Amendment is permitted to be carried out within a period of two weeks from today. Re-verification stands dispensed with. Amended

copy of cause title be served on Ms. Dias, learned Advocate for Respondent by any permissible mode of service.

8. In the meanwhile, ad-interim relief granted earlier, if any, to continue.

9. Stand over to **13th September, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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