

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

MISCELLANEOUS CIVIL APPLICATION NO. 133 OF 2015

Varsha W/o Narayan Waybhase,
Age- 34 years, Occu: Household
R/o C/o Shree Gajanan Krupa Niwas,
Plot No. 11, NS-4, N-4 Cidco,
Near Pundalik Nagar water tank,
Aurangabad.

...APPLICANT

versus

Narayan Raosaheb Waybhase,
Age- 37 years, Occ: Medical Officer,
R/o Primary Health Center, Miri,
Tq. Pathardi, Dist. Ahmednagar

...RESPONDENT

.....
Mr. Vishnu M. Jaware, Advocate for applicant
Mr. V. B. Jagtap, Advocate for respondent
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 18th NOVEMBER 2015

ORAL JUDGMENT:-

1. Rule. Rule made returnable forthwith. Heard the learned counsel for parties finally, with consent.
2. Learned counsel for parties do not appear to dispute about that applicant and respondent happen to be husband and wife and that there had been proceedings for restitution of conjugal and applicant has been staying with her parents at Aurangabad. The applicant had lodged the proceedings for restitution of conjugal rights as well as proceedings under the Protection of Woman from Domestic Violence Act, 2005 at Aurangabad. Both the proceedings appear to have been

disposed of and execution proceedings are pending at Aurangabad and respondent appears to be attending said proceedings. Respondent - husband has lodged proceedings at Ahmednagar, seeking decree of divorce.

3. It is being contended on behalf of respondent that he is a government employee - Medical Officer and is working at a distance of 40 K.M. from Ahmednagar city and as such would face hardship in case he is required to attend the proceedings at Aurangabad and that would affect his service. He submits that applicant is not doing anything and she is receiving maintenance from respondent and under the circumstances, it would be convenient for her to attend the proceedings at Ahmednagar.

4. Learned counsel for applicant, however, refers to criminal appeal bearing No. 96 of 2014 by present applicant claiming enhancement in maintenance as was granted in criminal miscellaneous application no. 1712 of 2012 and further that respondent - herein has also appeared in said criminal appeal. Present respondent also appears to have filed proceedings bearing criminal application No. 262 of 2014 at Aurangabad.

5. Learned counsel for the applicant submits that she has no source of income save and except meagre amount of maintenance and she has to bear the expenses of daughter begotten from wedlock and that the maintenance amount is not sufficient and further that having regard to age of the daughter, it would be difficult for her to take

daughter to Ahmednagar. It is submitted that to attend the proceedings at Ahmednagar is also difficult for her economically and even otherwise.

6. In the circumstances, since there are proceedings at Aurangabad, it would be convenient that the proceedings pending at Ahmednagar court also be conducted at Aurangabad on dates convenient to respondent and preferably on the dates with the other matters pending at Aurangabad. The dates in proceedings may well be coordinated in order to avoid inconvenience to respondent.

7. Having regard to aforesaid, miscellaneous civil application is allowed in terms of prayer clause "B" and stands disposed of. Rule is made absolute accordingly.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK