

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

MISCELLANEOUS CIVIL APPLICATION NO.137 OF 2016

Purva Nilesh Pagar
Age 27 years, Occu-Service
R/o C/o B.M.Tengale, Plot No.A-24,
Galli No.2, Kriti Nagar,
Krutarth Apartment, Krushna Chowk,
New Sangvi, Pune
Tq. & Dist.Pune.

..APPLICANT

VERSUS

Nilesh s/o Ashok Pagar
Age 29 years, Occu-Nil
R/o D-2, Kaushlya Building
Kasliwal Suvarnayog, Ro-Bangala,
Sutgirni Chowk, Garkheda Parisar,
Aurangabad.

.. RESPONDENT

...
Smt.Manjusha S. Jagtap, Advocate for Applicant.
Shri R.V.Gore, Adv for Respondent
...

CORAM : SUNIL P. DESHMUKH,J.

DATED : 5TH DECEMBER, 2016

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith. With the
consent of the parties, Application is heard finally.

2] It is the case of the applicant that it is difficult exercise for her to attend to the proceeding at Aurangabad since she has been working in Pune and her normal daily routine work stretches upto 12 hours a day. The learned counsel submits that proceeding filed under Section 498-A of IPC has been lodged in Pune subsequent to the filing of this application and further to that averment to that effect has already been made in the Misc.Application. Learned counsel submits that having regard to difficulties being faced by the applicant and further that the proceedings which have been initiated at Pune, the applicant has to attend those proceedings at Pune. It would be expedient and in the interest of the parties to have the proceeding pending at Aurangabad be transferred to Pune.

3] Learned counsel Mr.Gore contends that it is evident proceedings at Pune are initiated to harass respondent and as such Misc. Application has been filed. Thus, proper view be taken and that the Misc. Application be dismissed.

4] It appears that the averments of the applicant that she has been working at Pune, has to work for long hours during day have not been seriously disputed and her condition does not permit her to frequently attend to the proceedings at Aurangabad has been adverted to in the reply filed. In these circumstances, since the respondent is attending the proceeding at Pune which is initiated by the applicant, In the circumstances, it would be expedient that Misc.Civil Application be accordingly granted.

5] In view of the aforesaid, the Misc. Civil Application stands granted in terms of prayer Clause "B" and is disposed of.

6] Learned counsel fairly agreed to that possibility of resolution of dispute by Mediation would be explored in Pune.

7] Rule is made absolute.

(SUNIL P. DESHMUKH,J.)

umg/