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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.102 OF 2015

Ashwini Vivekanand Bade APPLICANT
Age - 31 years, Occ - Service
At Present R/o C/o Vasantrao Keshavrao Palve
"Shivaji" Iwale Lane, Maliwada,
Ahmednagar

VERSUS

Vivekanand Vishnu Bade RESPONDENT
Age - 36 years, Occ - Service
R/o Survey No. 73,
Samarth Nagar Navi Sangawi
Pune - 411 027

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Mr. P. K. Palve h/f Mr.D. K. Dagadkhair, Advocate for applicant
Mr. Shailesh S. Chapalgaonkar, Advocate for respondent

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 13th JANUARY, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.
2. Mr. Palve, learned advocate appearing on behalf of the applicant submits that there are two proceedings pending at Ahmednagar, which the respondent - husband is supposed to attend to. Proceedings for divorce have been initiated by the

respondent - husband in the court at Pune. Learned advocate for the applicant submits that though his client is working in Maval Taluka in Pune district, there have been several instances indicating that the applicant may not be safe in Pune court. According to the learned advocate, the respondent - husband is aggressive and rude and refers to an instance to buttress his aforesaid submission. He further states that the respondent had in fact the audacity to threaten senior advocate at Ahmednagar appearing on behalf of the applicant in presence of the court, whereupon he had been warned by the court. He, therefore, submits that the proceedings which are initiated by the respondent-husband in the court at Pune be transferred to the court at Ahmednagar.

3. Mr. Chapalgaonkar, learned advocate for the respondent - husband on the other hand submits that the request is being made to have transfer of proceedings from Pune court to Ahmednagar court mischievously in order to cause harassment to the respondent - husband. He submits that there is no substance in the allegations being hurled against the respondent - husband, and are absolutely baseless. He submits that though the applicant herself resides in Pune district, in order to harass the respondent - husband, who also works at Pune, deliberately

and intentionally, application had been filed for transfer of proceedings from court at Pune to the court at Ahmednagar. He further submits that the intention is clear to harass the respondent - husband, since as many as three proceedings would be required to be attended to by him at Ahmednagar.

4. Be that as it may, it may be relevant to take into account that two proceedings are already been attended to by the respondent at Ahmednagar. The applicant - wife as well may be required to attend to those proceedings. In such a case, she would also be required to attend proceedings which would be transferred upon her request to Ahmednagar. However, it appears that she apprehends some untoward and life threatening aggression from husband's side at Pune. Further it appears that the marriage has taken place at Ahmednagar and applicant's relatives are at Ahmednagar, where she may be feeling safe. Learned advocate Mr. Chapalgaonkar, however, submits that at Ahmednagar it may be other way round that the respondent - husband may not be safe.

5. Yet, looking at aforesaid circumstances, which show that two proceedings are required to be attended to at Ahmednagar by the respondent and addition of one more proceeding at

Ahmednagar may not cause as much inconvenience to the husband. However, in case an apprehension expressed by learned advocate for the respondent turns out to have some substance at some point of time, he may well bring it to the notice of the court at Ahmednagar.

5. Having regard to aforesaid, it would be appropriate that all the proceedings be conducted at Ahmednagar which may be so arranged that would facilitate convenience of both the parties. The proceedings are expected to be disposed of as expeditiously as possible.

6. Miscellaneous civil application, as such, stands allowed. Rule is made absolute in terms of prayer clause "B".

[SUNIL P. DESHMUKH, J.]