

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

909 MISC.CIVIL APPLICATION NO. 6 OF 2016

SOU. PARVINDARKAUR RAVINDERSINGH MUCHAL
VERSUS
RAVINDERSINGH MAHINDERSINGH MUCHAL

...
Advocate for Applicant : Phatale Sagar S
Advocate for Respondent : Swapnil S. Patil
...

8 MISC.CIVIL APPLICATION NO. 114 OF 2016

RAVINDARSINGH S/O MAHENDARSINGH MUCHAL
VERSUS
PARVINDARKAUR W/O RAVINDARSINGH MUCHAL

...
Advocate for Applicant : Patil Swapnil S.
Advocate for Respondents : Phatale Sagar S
...

CORAM : T.V. NALAWADE, J.
DATED : 28th June, 2016.

ORDER :

1. The first application is filed by wife for transfer of proceeding filed by husband for judicial separation and the second proceeding is filed by husband for transfer of proceeding filed by wife for restitution of conjugal rights. The proceeding filed by wife is pending in Family Court, Pune and the proceeding filed by husband is pending in Family Court, Aurangabad. Both the sides are heard.

2. It is the case of wife that she has no source of

income and she is required to take care of daughter, aged about 15 years and son aged about 10 years. It is the case of wife that she cannot afford to spend on conveyance, attendant etc. and she may not get attendant every time for coming to Aurangabad. It is her case that in any case, husband will be required to come to Pune to attend the proceeding filed by her and no inconvenience will be caused to husband if both the matters are brought in one Court and they are decided together.

3. The learned counsel for husband opposed the application filed by wife and submitted that in the past, wife was living in Aurangabad and she had admitted the children in school from Aurangabad and there was cause of action for filing the proceeding at Aurangabad. He submitted that the wife is not taking proper care of children and the husband has record to show that the children did not attend the school during academic year 2015-2016. He submitted that even for the ensuing academic year, admission is not taken in Pune in any school by the wife. He submitted that these circumstances are harassing the husband and so, there is no need to transfer the proceeding to Pune and the proceeding from Pune needs to be transferred at Aurangabad.

4. Even if, the contentions of the husband are accepted as they are, it can be said that the convenience of the children will have to be considered. The application is filed for interim custody of the children by the husband in a proceeding filed in Aurangabad and in ordinary course, Court will call the children to hear them on that application. Further, the wife has no source of income. The husband is required to go to Pune to contest the matter filed by wife and it can be said that both the matters are connected and to avoid conflicting decisions, it is desirable that both the matters are heard by the same Court at the same time. Care and convenience of both the sides can be taken by making proper order.

5. So, M.C.A. No. 6/2016 is allowed. M.C.A. No. 114/2016 is rejected. The proceeding filed by husband viz. A/324 of 2015, presently pending in Family Court, Aurangabad is hereby withdrawn from that Court and is transferred to Family Court, Pune where proceeding bearing PA No. 1114/2015 filed by the wife is pending. The new Court is to take care and see that both the matters are heard together and decided together. The new Court is to see that the date of these two matters match with other proceeding filed by wife under Domestic Violence Act so that no inconvenience can be caused to both the sides. The

matters filed in Family Court are to be expedited and in any case, are to be disposed of within six months from the date of receipt of the record from the previous Court. Parties are to appear in the new Court on 1.8.2016.

[T.V. NALAWADE, J.]

ssc/