

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 45 OF 2015

- 1] Vaishali W/o Mukund Waghmare,
Age : 40 years, Occu.: Household,
- 2] Vedika D/o Mukund Waghmare,
Age : 10 years, Occu.: Education,
- 3] Pooja D/o Mukund Waghmare,
Age : 7 years, Occu : Education,

Applicant no.2 and 3 are minors
Under guardianship of applicant
no.1 his mother

All R/o Saint Dnyaneshwar Nagar,
N-9, M-2, Hudco, Aurangabad

.. Applicants
(Orig. Respondents)

Vs.

Shri Mukund S/o Babulal Waghmare,
(Bhavsar), Age : 40 years, Occu.: Service,
R/o Jijaou Nagar, Ward No.4,
Chikhli, Tq. Chikli, Dist. Buldhana

.. Respondent
(Orig. Petitioner)

WITH
MISC. CIVIL APPLICATION NO. 46 OF 2015

- 1] Vaishali W/o Mukund Waghmare,
Age : 36 years, Occu.: Household
- 2] Rajendra S/o Shriram Malwatkar,
Age : 65 years, Occu.: Retired
- 3] Sau. Sharda W/o Rajendra Malwatkar,
Age : 60 years, Occu.: Household,

All R/o Saint Dnyaneshwar Nagar,
N-9, M-2, HUDCO, Aurangabad

- 4] Sachin S/o Rajendra Malwatkar,
Age : 30 years, Occu.: Service,
R/o No.4, Oracle Developer,

R.B.M. Private Ltd., Fusungi,
Pune, Tq. & Dist. Pune

.. Applicants
(Orig. Defendants)

Vs.

- 1] Shri Mukund S/o Babulal Waghmare,
Age : 40 years, Occu.: Service
- 2] Sunanda D/o Babulal Bhavsar (Waghmare),
Age : 37 years, Occu.: Service
- 3] Sau. Shobhabai Babulal Bhavsar,
Age : 60 years, Occu.: Household

All R/o Jijaou Nagar, Ward No.4,
Chikhli, Tq. Chikli, Dist. Buldhana

.. Respondent
(Orig. Plaintiffs)

AND
MISC. CIVIL APPLICATION NO. 47 OF 2015

Vaishali W/o Mukund Waghmare,
Age : 36 years, Occu.: Household,
R/o C/o Rajendra Shriram Malwatkar,
Saint Dnyaneshwar Nagar,
N-9, M-2, HUDCO, Aurangabad

.. Applicant
(Orig. Respondent)

Vs.

Shri Mukund S/o Babulal Waghmare,
Age : 40 years, Occu.: Service,
R/o Jijaou Nagar, at post Chikhli,
Tq. Chikli, Dist. Buldhana

.. Respondent
(Orig. Petitioner)

Ms. Renuka V. Ghule-Palve, Advocate for the applicants in all matters
Mr. Y.M. Khan, Advocate for the respondents in all applications

CORAM : SUNIL P. DESHMUKH, J.
DATE : 24/01/2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties finally with consent.

2. Learned counsel for the applicants contends that due to the ill-treatment at the hands of husband and his other relatives, she had been driven out of matrimonial house alongwith two minor daughters in the midnight and since then she had been residing at Aurangabad. Her two daughters are taking education at Aurangabad. Thereafter, quite a few proceedings have been initiated, the ones referred to in three miscellaneous civil applications being heard today, by the respondents at Buldana.

3. Learned counsel for the applicants contends that proceedings at Buldana court are difficult to be attended to by her since there have been threats to her. There would be tremendous mental pressure on her apart from constant threats being suffered. Her father is old and is not in a position to accompany her on each occasion to Buldana. She further contends that, moreover, one proceeding at her instance has been initiated at Aurangabad and is being attended to by her husband and his sister. In the circumstances, it would be expedient if the proceedings pending at Buldana are transferred to Aurangabad.

4. Learned counsel Mr. Khan appearing for the respondents contends that while three proceedings are pending at Buldana and are in progress and in one of the proceedings, husband, his sister and mother are parties, it would be difficult for them to attend to the

proceedings at Aurangabad, especially for his mother, who is an old aged person. He submits that direction can be given to courts at Buldana to proceed with expeditiously in the matters and that would, to quite a long extent, resolve the problems of the applicants.

5. Having heard learned counsel for the parties as aforesaid, looking at the overwhelming position in law that it is the wife's convenience is generally to be appreciated. Difficulty being faced by the husband on account of age of mother comparatively appears to be less than the ones being faced by applicants. Since the husband and his sister are required to attend to one proceeding at Aurangabad, it would be expedient that the proceedings pending against the applicants at Buldana are transferred to Aurangabad. In the circumstances, the inconvenience being caused, as is contended, to mother of the husband, to large extent can be attenuated by directing the dates in the proceedings transferred from Buldana and pending proceeding at Aurangabad, be so arranged that those would be convenient to husband and others.

6. In view of aforesaid, Miscellaneous civil applications stand allowed and granted in terms of prayer clause (B) respectively.

7. The respective proceedings be transferred to competent courts at Aurangabad.

8. Rule is made absolute accordingly.
9. Miscellaneous civil applications stand disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/