

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 130 OF 2016

- 1] Pooja Ravindrasingh Chauhan
Age : 32 years, Occu. Service
- 2] Akshajsingh Ravindrasingh Chauhan
Age : 10 years, Occu. Education
- 3] Dhairyajsingh Ravindrasingh Chauhan
Age : 6 years, Occu. Education

Both Under Guardianship of mother
Pooja Ravindrasingh Chauhan (applicant no.1)

Both R/o House No.4, Apratim Gharkul Society,
Behind Bajaj Hospital, Satara Parisar,
Aurangabad

.. Applicants

VS.

Ravindrasingh Randhirsingh Chauhan
Age : 38 years, Occu. Service, Nil
Permanent R/o Missar Nagar, Near Water Tank,
Jintur Road, Parbhani

.. Respondent

Mr. Ameya Sabnis, Advocate h/f Ms. Rashmi P. Gour, Advocate for
the applicant

Mr. S.K. Sawangikar, Advocate for the respondent

CORAM : SUNIL P. DESHMUKH, J.

DATE : 14/03/2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.
2. Heard learned counsel for the parties finally, by consent.

3. It appears that the applicant no.1 is staying alongwith her two children from the marriage between applicant no.1 and respondent. Children are taking education at Aurangabad. It is contention of applicant no.1, that respondent had been staying with her at Aurangabad for quite a while, however, all of a sudden, respondent left company of applicant no.1 on his own volition and has not turned back. In the circumstances, she had to bear the responsibility of maintaining the two children at Aurangabad. She had, in the circumstances, to work to eke out existence and for aforesaid purposes.

4. It has been contended that respondent is computer savvy and generally works on "work at home basis". Respondent has filed proceedings for restitution of conjugal rights at Parbhani. It is difficult for applicant to attend to the proceedings, having regard to the aforesaid circumstances.

5. Learned counsel for the respondent submits that he is an employee of Sanskruti Nagari Sahakari Patsanstha Maryadit, Parbhani and it is difficult for him to attend the proceedings, if they are transferred to Aurangabad. He submits that the examination period is almost over. The proceedings at Parbhani have reached the stage of evidence. In the circumstances, he requests not to indulge

into the request for transfer under the miscellaneous civil application.

6. Learned counsel for the applicant has pointed out that the matter has reached the stage of evidence in the absence of defence, as the applicant could not make it to the court at Parbhani in time. Additionally, the applicant has faced difficulties at Parbhani while the applicant's advocate having expired. The matter will have to be started *de-novo* from the stage of letting in pleadings on behalf of the applicant.

7. Having regard to that most of the contentions on behalf of the applicant about that she is required to work to eke out existence and maintain her two children and their education, difficulties expressed on behalf of the respondent comparatively are less rigorous.

8. In the circumstances, it appears that convenience leans in favour of the applicant and, thus, miscellaneous civil application is being considered accordingly. As such, application stands allowed in terms of prayer clause (A).

9. On transfer, the proceedings shall start at Aurangabad

from the stage of submission of written statement and the proceedings be disposed of as early as possible, preferably within a period of nine (9) months from the date of receipt of papers at Aurangabad. Dates at Aurangabad be so arranged, as would be convenient to the respondent.

10. Rule is made absolute accordingly.

[SUNIL P. DESHMUKH]
JUDGE

arp/