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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.14 OF 2020

Vidya Yogesh Bava and Others

APPLICANTS

VERSUS

Mithabai Goturgir Bava

RESPONDENT

.....

Mr. Pravin V. Suryawanshi, Advocate for the applicants

Mr. S. S. Kulkarni, Advocate for the respondent

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th OCTOBER, 2023

ORDER :

1. This application is filed by applicants under section 24 of the Civil Procedure Code, seeking transfer of Civil Miscellaneous Application No. 299 of 2019 and 245 of 2019, pending before learned Civil Judge, Junior Division and learned Civil Judge, Senior Division, Dhule respectively, to Aurangabad.

2. By filing Civil Miscellaneous Application No.299 of 2019, applicants have claimed heirship certificate of deceased Yogesh Goturgir Bava. Respondent – Mother in law of applicant No.1 is respondent in the said application. By filing Civil Miscellaneous Application No. 545 of 2019, respondent and applicants No.2 and 3 have claimed heirship certificate. Applicant No.1 is respondent

No.5 in said proceedings.

3. In the present application, applicant No.1 has claimed that she is being threatened by the respondent and her relatives, when she goes to attend court proceedings at Dhule. Applicants No.2 and 3 are snatched by the respondent and other relatives. She has no source of income and, therefore, she is unable to incur travelling expenses. Hence, she has prayed for transfer of proceedings from Dhule to Aurangabad.

4. Application is opposed by respondent contending that it is applicant No.1, who has left both the children with the respondent. At no point of time threats were given to her and she is only creating record by filing frivolous complaints against the respondent and relatives.

5. Admittedly, respondent is 75 years old and she appears to be infirm lady. More hardship would be caused to respondent if the proceedings are transferred from Dhule to Aurangabad. A statement is made at the Bar that Video Conferencing facility is available at Dhule Court. Considering these aspects, it is desirable, in the interest of justice to direct that in both the proceedings, the first applicant be permitted to appear through video conferencing from Aurangabad.

6. In that view of the matter, the Miscellaneous Civil Application is disposed of with a direction to permit applicant No.1 to appear in both the proceedings through Video Conferencing.

[NITIN B. SURYAWANSHI]
JUDGE

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