

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

17. MCA/39/2015

PRIYANKA PRAVIN KODWADE
V/S
PRAVIN HARI KODWADE

Mr. S.S. Kulkarni, Advocate for applicant.

CORAM : T.V. NALAWADE, J.
DATED : 14th September, 2015.

ORDER :

1. The application is filed for transfer of H.M.P. No. 44/2013, presently pending in the Court of Ichalkaranji to the Court of Civil Judge, Senior Division, Osmanabad. Heard the learned counsel for applicant. Other side was served, but other side did not turn up.

2. The wife/applicant contended that she has filed proceeding under section 498-A etc. of Indian Penal Code and it is pending in the Court of Magistrate from Osmanabad. It is her case that she has also filed a proceeding under the Protection of Women from Domestic Violence Act and it is also pending in the Court from Osmanabad. The wife contended that now the husband has filed a proceeding for divorce in the Court from Ichalkaranji and the proceedings filed by her are first in time. It is her case that she is housewife and she has no resources for

going to Ichalkaranji and for taking attendant with her. It is her case that she is required to take care of two minor daughters. It is her case that in any case, the husband will be required to come to Osmanabad to face the aforesaid two proceedings and so, no inconvenience will be caused to him, if the matter from Ichalkaranji filed by the husband for divorce is transferred to Osmanabad. In view of the aforesaid unrebutted contentions and facts of this case, this Court holds that the application needs to be allowed.

3. In the result, the application is allowed. H.M.P. No. 44/2013 presently pending in the Court of Civil Judge, Senior Division, Ichalkaranji is withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division, Osmanabad. The new Court is to take care and see that the husband has the notice of the present transfer order and in case, he does not appear on 15.10.2015, notice is to be issued on Court motion. The new Court is to see that an attempt is to be made that all the aforesaid three proceedings are kept on the same date. Parties are to appear in the new Court on 9.10.2015.

[T.V. NALAWADE, J.]

SSC/