

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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MISC.CIVIL APPLICATION NO. 21 OF 2015

RASHMI SACHIN DESHMUKH
VERSUS
SACHIN ANIL DESHMUKH

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Advocate for Applicant : Mr. Manoj D. Patil, Advocate h/f
Mr. Shinde Chandrakant K.

CORAM: T. V. NALAWADE, J.
DATED: 31st August, 2015.

PER COURT:

1. The application is filed for transfer of H.M.P. No.575 of 2013 which is pending in the Court of Civil Judge, Senior Division, Pune which is filed for divorce. The applicant, wife has prayed for transferring the matter to Family Court at Aurangabad where she is living.
2. Notice of the proceeding was served on the Respondent but nobody has turned up.
3. The submissions made show that the wife has filed proceeding under section 125 Cr.P.C. and the said proceeding is pending in the Family Court at

Aurangabad. The husband has given his place of residence as Chinchwad, Pune in H.M.P. and the address of the husband is given as Chikhali in proceedings filed under section 125 Cr.P.C. The husband is in service and as per the wife, she is house wife and has no source of income. It is her case that she is required to attend a son of 3 years and she is required to take one attendant to Pune to attend the matter filed for divorce. It is her case that it is not possible for her to contest effectively the proceeding at Pune filed for divorce and the proceeding needs to be transferred to Aurangabad.

4. Learned counsel for the wife placed reliance on the two cases reported as **2003 (3) Mh.L.J. 139 Bom. [Anisha Sanjay Hinduja V/s Sanjay Shrichand Hindua]** and **AIR 2004 SC 396 [Sumita Singh V/s Kumar Sanjay and another]**. In view of the facts of this case and to see that the wife is able to effectively contest the matter, this Court holds that the matter needs to be transferred to Family Court at Aurangabad.

6. H.M.P. No.575 of 2013 presently pending the Court of Civil Judge, Senior Division, Pune is hereby withdrawn from that Court and it is transferred to the Family Court

at Aurangabad. The Family Court at Aurangabad to see that if required notice is issued to the husband and the matter is kept on the same date when the proceeding under section 125 Cr.P.C. is kept so that the husband gets the notice.

[T. V. NALAWADE, J.]

Dt.31/08/2015
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