

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

46. MCA/25/2015

BHAGYASHREE SIDDHWSHWAR GIRAM
V/S
SIDDHWWAR BABAN GIRAM

Mr. D.D. Sarwade, Advocate for applicant.

CORAM : T.V. NALAWADE, J.
DATED : 26th October, 2015.

ORDER :

1. The application is filed for transfer of H.M.P. No. 546/2009, presently pending in the Family Court, Pune. Notice of the present proceeding was duly served on respondent, but he has not turned up. There is report of Serving Officer that respondent has refused to accept the notice. Heard the learned counsel for applicant/wife.

2. It is the case of wife that she is residing at Bhoom and she is housewife and on every date, she is required to travel the distance of around 300 k.m. It is her case that she is required to take one attendant with her and she is required to spend on conveyance etc. of attendant. It is her case that she is not in a position to spend and so, she may not be able to contest the matter filed for divorce by husband at Pune effectively. It is also her case that she has filed one proceeding under the

Protection of Women from Domestic Violence Act, 2005 in the Court from Bhoom and the matter is decided in her favour and the appeal filed by the husband is pending in the District Court at Bhoom.

3. In view of the aforesaid unrebutted contentions and as the husband will be required to go to Bhoom, Dist. Osmanabad for prosecuting the appeal filed by him, this Court holds that the aforesaid H.M.P. needs to be transferred to Court from Bhoom.

4. In the result, the application is allowed. H.M.P. No. 546/2009, presently pending in the Family Court, Pune is withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division, Bhoom. The new Court is to see that the date of the aforesaid H.M.P. and the date of the appeal is kept on the same date so that no inconvenience will be caused to both sides. Before proceeding in the aforesaid H.M.P., the new Court is to give notice on Court motion to the husband as husband has not turned up in the present matter.

[T.V. NALAWADE, J.]

ssc/