

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Misc. Civil Application No. 59 of 2015
With
Civil Application No.10053 of 2015**

Deepa @ Vedika w/o Chandrakant
Bhagchandani.

.. Applicant.

Versus

Chandrakant Mohandas Bhagchandani. **.. Respondent.**

Shri. Harshal P. Randhir, Advocate, holding for Shri. Vinod P. Patil, Advocate, for applicant.

Shri. Raviraj R. Chandak, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 11th SEPTEMBER 2015

ORDER:

1) The main proceeding is filed for transfer of Petition No.1304 of 2014 which is presently pending in the Family Court Nagpur to the Court of the Civil Judge, Senior Division, Jalgaon. Both sides are heard.

2) It is the case of the applicant, wife that she is required to take care of her daughter who is aged about 5

years and she is facing difficulty to come to Nagpur for contesting the matter filed for divorce against her. It is her case that she has filed one proceeding under the provisions of the Domestic Violence Act and another proceeding is filed under section 9 of the Hindu Marriage Act and they are pending in the Courts from Jalgaon. In any case the husband will be required to come to Jalgaon to attend those proceedings. It is her case that she is housewife and she has no resource for spending on attendant and conveyance. On these grounds she prayed for transfer of the proceeding.

3) Learned counsel for the husband submitted that the husband is ready to spend for conveyance of the wife and the husband is to take care of her mother who is facing health problem the matter need not be transferred.

4) In view of the aforesaid contentions and the fact that the husband is in service and the wife has no resources this Court holds that the proceeding needs to be transferred from Nagpur to Jalgaon. In any case the

husband will be required to take leave to attend the aforesaid two matters pending in Jalgaon Court. The new Court will take care to see that both the proceedings are kept on the same date for the convenience of both the parties.

5) In the result, the application is allowed. The Petition No.1304/2014 (Chandrakant v. Deepa) presently pending in the Family Court Nagpur is hereby withdrawn from that Court and is transferred to the Court of the Civil Judge, Senior Division, Jalgaon where the Hindu Marriage Petition filed by the wife is pending. The new Court to take care and see that both the matters are kept on the same date and preferably on the date on which the third proceeding which is pending in the Court of the Judicial Magistrate is kept. The new Court is directed to expedite both the proceedings and in any case within six months from the date of receipt of the record. Both the parties to appear in the new Court on 12th October 2015. Civil Application stands disposed of.

Sd/-
(T.V. NALAWADE, J.)

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