

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

912. MCA/86/2015

VARSHA SHRIPAD PATHAK
V/S
SHRIPAD GOPALRAO PATHAK

Mr. K.C. Sant, Advocate for applicant.

Mr. P.B. Patil, Advocate for respondent.

CORAM : T.V. NALAWADE, J.
DATED : 1st September, 2015.

ORDER :

1. The application is filed for transfer of H.M.P. filed by the husband for divorce in the Family Court, Nanded. Both the sides are heard.

2. It is the case of wife that she is resident of Bhusawal and the marriage took place at Bhusawal. It is her case that the last cohabitation was at Pune and the notice sent to the husband was received by him in Pune. Copy of acknowledgement receipt is produced in that regard. It is her case that only to harass her, the proceeding is filed in Nanded where the parents of the husband are living. It is her case that she will be required to take one male attendant to Nanded and she will be required to travel that distance with two kids, who are aged about one and half years (they are twins). It is her case that she has no resources and she is not able to spend on conveyance etc. and if the

matter is kept at Nanded, she will not be able to contest the proceeding effectively filed by husband for divorce against him.

3. On the other hand, the learned counsel for husband submitted that he is ready to spend on conveyance of the wife. He has given his occupation as unemployed. When asked by this Court, it was submitted that his father will spend for conveyance of the present applicant. Alternatively, learned counsel submitted that matter can be transferred to the Court from Jalgaon which will be little bit convenient for husband.

4. The husband has given his address of Nanded, but there is clear possibility that he is living in Pune. In any case, for the matter, he will be required to take leave and he will be required to go to Court situated at other place. If the matter is transferred to the Court from Bhusawal, it will make no difference for husband. He will be going to Bhusawal in stead of going to Nanded. To enable to wife to contest the matter effectively filed for divorce by the husband, this Court holds that the matter needs to be transferred to the Court from Bhusawal.

5. In the result, the application is allowed. H.M.P. No. A-58/2015 presently pending in the Family Court, Nanded is

withdrawn from that Court and is transferred to the Court from Bhusawal. Parties to appear in the new Court on 1.10.2015.

[T.V. NALAWADE, J.]

SSC/