

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

910. MCA/93/2015

SAU. ANITA @ NISHIGANDHA MAHESH MAHAJAN
V/S
MAHESH VAIJINATH MAHAJAN

Mr. P.K. Palve, Advocate for applicant.

Mr. S.S.Gangakhedkar, Advocate for respondent.

CORAM : T.V. NALAWADE, J.

DATED : 27th August, 2015.

ORDER :

1. The application is filed for transfer of H.M.P. No. A-69/2015 which is presently pending in the Family Court, Nanded. The proceeding is filed for divorce by the present respondent against the applicant. Both the sides are heard.

2. The case of the wife is that she is resident of Udgir and she is living in the house of her parents with her two daughters who are aged about 9 years and 4 years. It is her case that the proceeding for divorce is filed in the Court of Nanded and the distance between Nanded and Latur is 115 k.m. It is her case that she is not in a position to spend on the conveyance and attendance and so, she will not be able to contest the matter effectively which is filed for divorce. On this ground, she has prayed for transfer of the aforesaid matter to the Court of

Civil Judge, Senior Division, Udgir.

3. The learned counsel for husband submitted that the husband is a chemist, he is B. Farma and as per the rules and regulations, he is required to present whenever the shop is opened. He submitted that he will be required to close the business for going to other station and to avoid that, he is ready to pay the charges to the wife in respect of conveyance etc.

4. The submissions made show that one proceeding filed for maintenance is pending in the Court from Udgir. The learned counsel for the applicant is not aware as to how much amount is deposited by way of interim maintenance in that matter. The learned counsel for the wife submitted that nothing is paid as interim maintenance to the wife by the husband till today. The submissions made show that in the past, the wife was working as Assistant Teacher in one school. The learned counsel for the wife submitted that she was terminated after the information was collected by the husband under R.T.I. Act and she is not in service anywhere at present, though the other side, the husband has information that at present she is serving at other school.

5. The facts remain that the wife will be required to travel from Udgir to Nanded to attend the matter filed for divorce, she is required to take care of her two daughters, who are aged about 9 years and 4 years and they must be school going. She will be required to take one attendant with her to attend the Court from Nanded. It can be presumed that she has no sufficient resources to contest the matter filed for divorce. This Court holds that to enable her to contest the matter effectively filed for divorce, the aforesaid H.M.P. needs to be transferred to the Court from Udgir.

6. In the result, the application is allowed. H.M.P. No. A-69/2015 is withdrawn from the Family Court, Nanded and is transferred to the Court of Civil Judge, Senior Division, Udgir. The new Court is to see that the date of this matter and the date of the matter filed under section 125 of Cr.P.C. are not different and the new Court is to see that no inconvenience is caused to both the sides. Both the sides to appear in the new Court from Udgir on 25.9.2015.

[T.V. NALAWADE, J.]

SSC/