

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

MISC.CIVIL APPLICATION NO.132 OF 2014

Dr.Shalaka w/o Naresh Jadhav

..Applicant

Versus

Dr.Naresh s/o Sadashiv Jadhav

..Respondent

Mrs A.N. Ansari, Advocate h/f Mrs C.E. Gaikwad, Advocate for applicant
Respondent served

CORAM : N.W. SAMBRE, J.

DATE : 30th June 2015

PER COURT

1. This is an application seeking transfer of the matrimonial proceedings pending on the file of 2nd Joint Civil Judge, Senior Division, Latur vide H.M.P. No.227/2013 to Family Court at Aurangabad.

2. Heard Mrs Ansari, learned Counsel for the applicant. The respondent though served, none appears.

4. The notice issued and served on the respondent had already indicated that the application will be taken up for final disposal at admission stage.

5. It is claimed by the applicant that the marriage with the non-applicant was performed on 7th February 2004 and the matrimonial dispute arose in between the parties resulting into filing of proceedings vide Criminal Misc.Application No.33/2013 and Misc.Application No.162/2014 which are pending at Aurangabad. The suit bearing R.C.S. No.718/2013 is pending on the file Civil Judge, Junior Division, Aurangabad against the present non-applicant.

6. The applicant claims that she being a lady, it is really hard to travel to Latur to attend the proceedings and sought transfer of the same to Family Court at Aurangabad. It is further claimed by the applicant that she is serving at Phulambri on contract basis and is having a nine year's old son.

7. In view of above hardship, the applicant prays that the proceedings be transferred to Family Court at Aurangabad.

8. Since the non-applicant has not appeared, he has not controverted the above referred submissions. In my opinion, in view of above submissions, it will be appropriate to allow the application.

9. If convenience of the wife is required to be considered and in the present case, it is noticed that the applicant-wife is working on contract basis and is maintaining a minor son.

10. In view thereof, the application stands allowed in terms of prayer clause (B), which reads thus :

“(B) The H.M.P. No.227/2013 pending before the learned Joint Civil Judge, Senior Division, Latur may kindly be ordered to be transferred to the Family Court at Aurangabad.”

(N.W. SAMBRE, J.)

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