

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

MISC.CIVIL APPLICATION NO. 3 OF 2016

Anagha w/o Abhijit Patrawale **APPLICANT**

V E R S U S

Abhijit s/o Malikarjun Patrawale **RESPONDENT**

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Mr. V.C.Solshe, Advocate for Applicant.

Mr. A.B.Shinde, Advocate for Respondent.

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CORAM : T.V.NALAWADE, J.

DATE : 16th APRIL, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 1990/2015, presently pending in the Court of the Civil Judge [Sr. Division], Pune to the Court of the Civil Judge [Sr. Division], Parbhani.

2. The applicant is wife and it is her case that she has no source of income and on every occasion she is required to go to Pune. The matter is filed for divorce and to enable her to contest the matter effectively, it should be transferred to the Court at Parbhani. It is her case that even her father is not in a position to give her

company as he went through one operation. It is her case that she has filed proceeding u/s 125 of the Code of Criminal Procedure and one criminal case is also filed against the husband and the husband is required to attend those proceedings.

3. Learned counsel for the husband submitted that the wife was gainfully employed in Pune. He has produced her salary certificate which shows her income. It is submitted that though the wife is living at Parbhani, the husband is ready to give some amount for conveyance and attendance.

4. It is true that 2 proceedings were filed at Parbhani after filing of the divorce proceeding. The husband has shown readiness to pay some amount for expenses. However, nothing is certain as to how much time will be required for disposal of those cases. The wife is required to travel more than 300 Kms. and considering her age, she is required to spend for herself and one attendant. As there is nothing to show that she is gainfully employed, this Court holds that to contest the matter effectively, the matter needs to be transferred to the Court at Parbhani. In the Court at Parbhani, wife has filed 2 matters against the husband and the husband is required to go to Parbhani to attend those matters. Care can be taken that all the 3 matters are to be kept on one and the same date so that no inconvenience is caused to the parties.

5. In the result, the matter pending in the Court of the Civil Judge [Sr. Division], Pune is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr. Division], Parbhani. The new Court to take care that all the 3 proceedings are to be kept on one and the same date so that no inconvenience is to be caused to the parties. The new Court is to expedite the matters and dispose of the proceeding within six months from the date of receipt of the record from the previous Court to the new Court. The parties to appear in the new Court on 15/06/2016.

[T.V.NALAWADE, J.]