

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

920 MISC.CIVIL APPLICATION NO. 3 OF 2015

SUVARNA MUKUND BORIKAR AND ANOTHER
VERSUS
MUKUND GURULING BORIKAR

...
Advocate for Applicants : Shingnapure Ravindra K
...

CORAM : T.V. NALAWADE, J.
DATED : 9th August, 2016.

ORDER :

1. The application is filed by wife for transfer of H.M.P. No. A-516/2014, presently pending in the Family Court, Nasik to the Court of Civil Judge, Senior Division, Osmanabad. Notice of the present proceeding was served on respondent, husband, but he has not turned up. Heard the learned counsel for applicant, wife.

2. It is the case of wife that she is housewife and she has no source of income. It is her case that she cannot afford to spend on litigation, conveyance, attendant etc. as Nasik Court is situated at the distance of around 400 k.m. from Osmanabad. It is her case that divorce proceeding is filed against her and to enable her to contest the matter effectively, the matter needs to be transferred to the Court from Osmanabad. In view of the unrebutted contentions and submissions made, this Court holds

that application needs to be allowed.

3. In the result, the application is allowed. H.M.P. No. A-516/2014 is withdrawn from Family Court, Nasik and it is transferred to the Court of Civil Judge, Senior Division, Osmanabad. The new Court is to take care and see that the dates of the present matter match with any proceeding, if any, filed by wife in the Courts from Osmanabad. Parties are to appear before the new Court on 23.9.2016. The new Court is to issue notice on Court motion to the husband and only after service of the notice, the hearing of the divorce proceeding is to be started.

[T.V. NALAWADE, J.]

ssc/