

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

15 MISC.CIVIL APPLICATION NO. 19 OF 2016

SAU. RAVINA BHIKAJI AAYAWALE

VERSUS

BHIKAJI GOPAL AAYWALE

.....

Mr. V.P.Patil, Advocate for Applicant.

.....

CORAM : T.V.NALAWADE, J.

DATE : 29th JUNE, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 160/2015, presently pending in the Court of the Civil Judge [Sr.Division], Pandharpur, District Solapur to the Court of the Civil Judge [Sr.Division], Amalner, district Jalgaon. Notice was duly served on the husband, but he has not turned up. Heard learned counsel for the applicant.

2. It is the case of wife that she is house wife, she has no source of income and she can not afford to spend on litigation, conveyance, attendant, etc. It is her case that the distance between Pandharpur and the place of her residence is around 600 Kms., due to which she will face difficulty in going to Pandharpur and she may

not be able to contest the matter effectively. It is her case that the husband is gainfully employed. It is her case that she has filed proceeding under the provisions of the Domestic Violence Act at Amalner and in any case the husband will be required to come to Amalner to contest the said proceeding and so no inconvenience will be caused to him if both the matters are kept at one station and on the same date.

3. In view of the aforesaid contentions and the submissions made, this Court holds that the application needs to be allowed.

4. In the result, the application is allowed. H.M.P. No. 160/2015, pending in the Court of the Civil Judge [Sr.Division], Pandharpur, District Solapur is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr.Division], Amalner, district Jalgaon. The new Court to take care and see that the date of the present matter matches with the date given in the proceeding filed by the wife in the Court at Amalner. The new Court is to issue notice on court motion to the husband and only after service of the notice, hearing is to be started as husband remained absent during hearing before this Court. Both the parties to appear before the new Court on 08/08/2016.

[T.V.NALAWADE, J.]

