

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

4 MISC.CIVIL APPLICATION NO. 32 OF 2016

MRS. TAHERA PRAVIN AJGARALI SAYYAD
VERSUS
AJGARALI ABBASALI SAYYAD

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Advocate for Applicant : Shaikh Samir Ahmad Saifuddin
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CORAM : T.V. NALAWADE, J.
DATED : 1st July, 2016.

ORDER :

1. The application is filed for transfer of Petition No. B-34/2015, presently pending in Family Court, Nagpur to the Court of Civil Judge, Senior Division, Jalgaon. The husband was duly served with notice of this proceeding, 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 cannot afford to go to Nagpur which is situated at the distance of around 500 k.m. from Jalgaon, her place of residence. It is her case that she has filed one criminal proceeding in Jalgaon Court and one revision in respect of maintenance proceeding is pending in Jalgaon Court. It is her case that no inconvenience will be caused to husband if the matter filed by him at Nagpur is transferred to the Court from Jalgaon as in any case, he will be required to come to Jalgaon to contest the matters filed by her. It

is her case that she may not be in a position to contest the matter filed against her for declaring that the marriage is void, if the matter is kept in Nagpur Court.

3. In view of the aforesaid unrebutted contentions and submissions made in the present proceeding, this court holds that application needs to be allowed.

4. In the result, application is allowed. Petition No. B-34/2014, presently pending in the Family Court, Nagpur is withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division, Jalgaon. The new Court is to take care that the dates of the present proceeding matches with the other proceedings pending between the parties in other Court from Jalgaon. Parties are to appear in the new Court on 18.8.2016. The new Court is to issue notice on Court motion to present respondent, husband to inform him the date of hearing and only after service of notice, hearing is to be started.

[T.V. NALAWADE, J.]

ssc/