

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

Misc. Civil Application No.22 of 2016

Archana w/o. Vijay Gopwad.

.. Applicant.

Versus

Vijay Hanmantrao Gopwad.

.. Respondent.

Shri. G.R. Syed, Advocate, for applicant.

Respondent - served - absent.

CORAM: T.V. NALAWADE, J.

DATE : 29 MARCH 2016

ORDER:

1) The application is filed for transfer of Hindu Marriage Petition No.81/2015 presently pending in the Court of the Civil Judge Senior Division Kandhar, District Nanded to the Family Court Nanded. Notice of the present proceeding was served on the respondent-husband but he has not turned up. Heard learned counsel for the applicant/wife.

2) It is the case of the wife that she is facing all kinds of problems in attending the matter which is filed for divorce in the Court from Kandhar. It is the case of the

wife that the distance between the place of her residence and Kandhar is around 52 kilometers. It is her case that she is required to spend on attendant and conveyance and she cannot afford to spend such amount. She has contended that she is housewife and the husband is working in Health Department at Umri. It is her case that as the husband is working at Umri so to go to Nanded will be convenient for the husband also as the distance between Umri and Nanded is around 25 kilometers when the distance between Umri and Kandhar is 72 kilometers. It is contended that the wife has filed maintenance proceeding in the Court from Nanded and so it will be convenient for the husband if the two matters are kept at Nanded. In view of these unrebutted contentions and submissions this Court holds that the application needs to be allowed.

3) In the result, the application is allowed. Hindu Marriage Petition No.81/2015 is withdrawn from the Court of the Civil Judge Senior Division Kandhar and it is transferred to the Family Court Nanded. The new Court is to take care and see that the date of the present matter

and the date of the maintenance proceeding match each other. The new Court is to issue notice to the husband before starting hearing of the proceeding as the husband was absent when this order was made. Only after service of the notice on the husband, further orders are to be made in the matter. The parties are to appear in the new Court on 6th June 2016.

Sd/-
(T.V. NALAWADE, J.)

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