

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

MISC.CIVIL APPLICATION NO. 29 OF 2016

Pooja @ Rupali Pandurang Shembole **APPLICANT**

V E R S U S

Pandurang Tukaram Shembole **RESPONDENT**

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Mr. M.V.Ghatge, Advocate for Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 30th MARCH, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 8/2014 filed by the husband/respondent for divorce in the Court of the Civil Judge [Sr. Division], Basmath to the Family Court at Nanded, where wife has filed a proceeding. Notice of present proceeding is served on the husband, but he did not turn up. Heard learned counsel for the applicant.

2. Copy of H.M.P. filed by the wife is produced. Submission was made that one proceeding is filed under the provisions of Protection of Women from Domestic Violence Act also in the Court at Nanded. It is the case of wife that she is house wife and has no source of

income. It is her case that the distance between Nanded and Basmath is around 80 Kms. and in view of her age, she will be required to take at least one attendant with her to attend the court matter. It is her case that she can not afford on conveyance and attendance. It is her case that no maintenance is granted in her favour and so she is not able to spend anything. It is her case that she will not be in a position to contest the matter effectively if the matter is kept in Basmath Court.

3. The aforesaid submissions and contentions are un-rebutted. To enable the wife to contest the matter effectively, this Court holds that the matter needs to be transferred to the court at Nanded. As 2 matters are pending in the Court at Nanded, the transfer will be for the convenience of both sides and the Court should see that all the matters are to be kept on one and same date.

4. The H.M.P. Proceeding pending in the Court of the Civil Judge [Sr. Division], Basmath is withdrawn from that Court and is transferred to the Family Court, Nanded. The new Court to see that the present proceeding and the previous matter filed u/s 9 of the Hindu Marriage Act are kept on the same date and care has to be taken that these 2 matters are to be heard in presence of both sides so that no inconvenience will be caused to both sides. Keep the matters on 02/05/2016. If the husband does not turn up on 02/05/2016, the notice to be issued to the husband on court motion and only after service of the notice, the divorce proceeding is

to be heard. Both the parties to appear in the new Court on 02/05/2016.

[T.V.NALAWADE, J.]

KNP/M.C.A. 29.2016.odt