

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

906 MISC.CIVIL APPLICATION NO. 40 OF 2016

SAW. AARTI W/O BALAJI TUMBALWAD
VERSUS
BALAJI KESHAVRAO TUMBALWAD

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Advocate for Applicant : Mr. Vishal A Bagdiya
Advocate for Respondent : Mr. Kanade Angad L

CORAM : T. V. NALAWADE, J

DATE : 26th April, 2016

PER COURT :

1. The application is filed by wife for transfer of HMP No. 1033/2015 filed for divorce by husband and which is pending before the Civil Judge, Senior Division, Kalyan to the Civil Judge, Senior Division, Jalna. Both the sides are heard.

2. It is the case of wife that she is working in Post department at Jalna and she is required to take care of one kid aged one year. It is her case that she will not be able to get attendant for going to Kalyan and she will be required to take her kid with her to Kalyan to attend the matter. It is her case that distance between Kalyan and Jalna is around 400 kms. and she will not be able to defend the divorce matter filed against her effectively if the matter is

kept in Kalyan court. It is her case that she has filed a case under the Protection of Women from Domestic Violence Act in Jalna Court and one criminal case for offence under section 498-A of the Indian Penal Code at Jalna against the husband and in any case, the husband will be required to come to Jalna to contest those matters. It is her case that no inconvenience will be caused to the husband if all three three matters are kept at one station.

3. Learned counsel for the husband who is police constable submitted that the husband is posted at Kalyan and he is required to remain present all the time at the Station in view of the nature of duties. He submits that the husband may not get leave for appearing in courts at Jalna and so the matter may not be transferred to Jalna.

4. As the wife is required to care of the kid of one year and considering the distance between Jalna and Kalyan and as two matters are pending in the court at Jalna, this Court holds that for convenience of both the sides, the matter needs to be brought at the same station. So the application is allowed.

5. Hindu Marriage Petition No.1033/2015 is

withdrawn from the Court of Civil Judge, Senior Division, Kalyan and is transferred to the Court of Civil Judge, Senior Division, Jalna.

6. The new Court is to take care and see that the date of the present matter matches with the dates given in proceedings filed under the Domestic Violence Act and under Indian Penal Code against the husband.

7. New court is to take care and see that the present matter is expeditiously disposed of and in any case within six months from the date of receipt of the record from previous court.

8. The parties are to appear in the new court on 01.07.2016.

(T. V. NALAWADE, J.)

JPC