

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

6. MCA/42/2016

**SOW. PRIYANKA @SHRADHA W/O
DHANSHAM CHAVAN**

V/S

**AVINASH @ DHANSHAM S/O
ARUN CHAVAN**

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Mr. AMBETKAR ARVIND G, Advocate for
Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 3rd MAY, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 202/2014 filed for divorce, presently pending in the Court of the Civil Judge [Sr. Division], Kopergaon to the Court of the Civil Judge [Sr. Division], Aurangabad. Notice of the present proceeding is served on the respondent, but he did not turn up. Heard learned counsel for the applicant.

2. It is the case of applicant that she has no source of income and on every occasion she is required to go to Kopergaon as she is residing at Aurangabad and she

is facing difficulty in coming to Kopargaon to attend the matter. It is her case that she can not afford to go to Kopargaon situated at the distance of 107 Kms. from Aurangabad. It is her case that she is required to take care of her daughter aged 3 years and, therefore, she can not go to Kopargaon to attend the matter. It is her case that she is required to spend on attendance, conveyance, etc. for attending the matter at Kopargaon and as she has no source of income, she may not be able to contest the matter. It is her case that she has filed a proceeding in the Court at Aurangabad and in any case the husband will be required to come to Aurangabad and no inconvenience will be caused to the husband if the proceeding at Kopargaon is transferred to the Court at Aurangabad. It is her case that such transfer is necessary to avoid conflicting decision also.

3. In view of these contentions, this Court holds that the application needs to be allowed.

4. In the result, Misc. Civil Application is allowed. The proceeding pending in the Court at Kopargaon is withdrawn from that Court and is transferred to the Court at Aurangabad where H.M.P. No. 47/2015 filed by the applicant u/s 9 of the Hindu Marriage Act is pending. The new Court is to hear both the proceedings together. The new Court is to take care that the notice of the proceeding filed for divorce is given to the husband as he has not turned up to this Court. Only after service of the notice to the husband, hearing is

to be started. The parties to appear in the new Court on 01/07/2016.

[T.V.NALAWADE, J.]

KNP/M.C.A. 42.2016.odt