

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

909 MISC.CIVIL APPLICATION NO. 45 OF 2016

SWATI W/O DEEPAK MURDE
VERSUS
DEEPAK S/O PRADEEP MURDE

Shri. Sachin S. Deshmukh, Advocate, for applicant.

Shri. D.L. Agrawal, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 22 JUNE 2016

ORDER:

1) The application is filed for transfer of Hindu Marriage Petition No.243/2015 presently pending in the Court of the Civil Judge, Senior Division, Malegaon, District Nashik to the Court of the Civil Judge, Senior Division Beed. Heard both the sides.

2) It is the case of the wife that the distance between her place of residence and Malegaon is around 220 kms. It is her case that she has no source of income and she cannot afford to spend on conveyance, attendant

etc. It is her case that she is required to take care of her kid of 2 years age and due to that also she may face difficulty in going to Malegaon and every time she may not get assistance of attendant. It is her case that she has filed one proceeding under the Protection of women from Domestic Violence Act against the husband and to attend that matter the husband is required to come to the Court from District Beed. It is the case that if both the proceedings are brought at one and the same station no inconvenience will be caused to both the sides.

3) Learned counsel for the husband opposed the application strongly by contending that the husband has filed proceeding for restitution of conjugal rights and the wife has shown readiness return to matrimonial house and so she may return to the matrimonial house. He submits that husband will face harassment as the distance between Beed and his place of residence is more than 200 kms and so it is not desirable to transfer the matter.

4) In view of the aforesaid admitted facts and to see that the wife gets opportunity to contest the matter

effectively this Court holds that the matter needs to be transferred.

5) In the result, the application is allowed. The aforesaid proceeding is hereby withdrawn from the Court of the Civil Judge Senior Division Malegaon District Nashik and is transferred to the Court of the Civil Judge Senior Division Beed. The new Court is to take care and see that the date of the present matter matches with the date of the matter filed by the wife in other Court against the husband so that no inconvenience is caused to both the sides. Both the parties are to appear before the new Court on 2nd August 2016.

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

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