

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

36 MISC.CIVIL APPLICATION NO. 27 OF 2015

CHHAYA PARMESHWAR DIVTE

VERSUS

PARMESHWAR SITARAM DIVTE

.....

Mr. P.B.Kadam h/f Mr. S.J.Salunke,
Advocate for Applicant.

.....

CORAM : T.V.NALAWADE, J.

DATE : 20th JUNE, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 55/2014, presently pending in the Court of the Civil Judge [Sr.Division], Jalna to the Court of the Civil Judge [Sr.Division], Majalgaon, Dist. Beed. The husband was duly served, but he has not turned up. Heard learned counsel for the applicant/wife.

2. It is the case of the wife that she has filed 2 proceedings against the husband viz. proceeding u/s 498-A of the Indian Penal Code and Case under the provisions of the Protection of Women from Domestic Violence Act in the Court at Majalgaon and after filing of the said proceedings, the husband filed proceeding u/s 9 of the Hindu Marriage Act to harass her. It is her case that she is house wife and can not afford to spend on litigation, conveyance and attendant as the Court at Jalna is situated at the distance of 200 Kms. from her residence. It is her case that she is required to take care of 2 kids and due to that reason also she will face difficulty in going to Jalna. It is her case that in any case the husband is required to attend the 2 proceedings filed by her and so no inconvenience will be caused to him if all the 3 matters are kept at one station.

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

4. In the result, the application is allowed. H.M.P. No. 55/2014, presently pending in the Court of the Civil Judge [Sr.Division], Jalna is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr.Division], Majalgaon. The new Court is to take care and see that the date of the present matter matches with the date of the other proceedings filed by the wife so that no inconvenience will be caused to the parties. The new Court is to issue notice on court motion

to the husband as he has not turned up to this Court and only after service of the notice, the hearing of the proceedings is to be started. Both the parties to appear before the new Court on 08/08/2016.

[T.V.NALAWADE, J.]

KNP/M.C.A. 27.2015.odt