

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

Misc. Civil Application No. 50 of 2016

Pooja w/o Dinesh Dahale. **.. Applicant.**

Versus

Dinesh s/o Subhash Dahale. **.. Respondent.**

Shri. Prashant P. Dama, Advocate, for applicant.

Shri. R.V. Gore, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 5th JULY 2016

ORDER:

1) The application is filed by wife for transfer of Hindu Marriage Petition No.480/2015 presently pending in the Family Court Aurangabad to the Court of the learned Civil Judge Senior Division Beed. Heard both the sides.

2) It is the case of the wife that she is resident of Beed and she is facing all kinds of problems in coming to Aurangabad to attend the proceeding filed by the husband

for restitution of conjugal rights. It is her case that she has no source of income and on the other hand the husband is doing hotel business and no inconvenience will be caused to him if the matter is transferred to Beed Court. The distance between Aurangabad and Beed is more than 120 kilometers.

3) The husband has filed reply. He has contended that the applicant has made false contentions. It is his case that notice of the present proceeding filed in Aurangabad was served on the wife on the address given from Aurangabad itself. It is his case that when notice issued was sent to Beed it was returned with the remark that she was not residing at the address from Beed. It is contended that the mother of the applicant is in service, she was posted in Jalna and she had requested her employer to transfer her to Aurangabad on the ground that her daughter, present applicant, is living in Aurangabad and she wants to take care of her daughter. Copies of the aforesaid notice and the application are produced on the record and they are consistent with the contentions made by the husband.

4) Learned counsel for the wife submitted that in the past the wife was living in Aurangabad as she was doing MSW course. Learned counsel was asked to produce some record to show that she has now completed the MSW course and so she has returned to Beed. He was also expected to show some record on the basis of which it can be ascertained that she is living with some close relatives at Beed. The subsequent submissions made show that the applicant is still doing MSW course. Submission was made that she is not regularly attending the college and she is living in Beed. There is no such record. The record of service shows that notice was served on the wife on 2-2-2016 on Aurangabad address. The present proceeding came to be filed on 17-2-2016. The other record shows that in the past, in April 2015, when notice was sent by Advocate to the present applicant on her so called address from Beed, it was returned with postal remark that she was not residing at the said address and she was living at other station. Due to these circumstances this Court holds that there is no need to transfer the proceeding from Aurangabad to Beed. There is clear possibility that only to create complications and to

harass the other side such tactics are played. In the result, the application is rejected.

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

rs1