

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

10 MISC.CIVIL APPLICATION NO. 43 OF 2015

JYOTI YUVRAJ RAUT

VERSUS

YUVRAJ VISHWANATH RAUT

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Mr. S.L.Awachar h/f Mrs. R.V.Palve - Ghule,
Advocate for Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 29th JUNE, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 56/2014, presently pending in the Court of the Civil Judge [Sr.Division], Majalgaon, District Beed to the Family Court, Aurangabad. Notice was duly served on the husband and he has appeared through Mr. D.G.Kamble, learned counsel. Today during hearing none remain present on behalf of the husband. Heard learned counsel for the applicant.

2. It is the case of wife that she is house wife, she has no source of income and she can not afford to spend on litigation, conveyance, attendant, etc. It is her case that the distance between Majalgaon and Aurangabad is around 120 Kms. and she will be required to take at least one attendant with her and so she will face difficulty in going to Majalgaon. It is her case that she has filed proceeding under the provisions of the Domestic Violence Act, in any case the husband will be required to come to Aurangabad to contest the said proceeding and so no inconvenience will be caused to him if both the matters are kept at one station and on the same date. It is contended by the wife that the husband is teacher and he has sufficient source of income to spend on litigation.

3. In view of the aforesaid 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 H.M.P. No. 56/2014, pending in the Court of the Civil Judge [Sr.Division], Majalgaon, District Beed is withdrawn from that Court and is transferred to the Family Court, Aurangabad. The new Court to take care and see that the date of the present matter matches with the date given in the proceeding filed by the wife in the Court at Aurangabad. The new Court is to issue notice on court motion to the husband and only after service of the notice, hearing is to be started as husband remained

absent during hearing before this Court. Both the parties to appear before the new Court on 16/08/2016.

[T.V.NALAWADE, J.]

KNP/M.C.A. 43.2015.odt