

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

20 MISC.CIVIL APPLICATION NO. 53 OF 2016

IRFANA BEGAM SHAIKH FARUKH

VERSUS

SHAIKH FARUKH SHAIKH KHALIL

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Mr. S.V.Mundhe, Advocate for Applicant.

Mr. D.R.Jethlia, Advocate for Respondent.

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CORAM : T.V.NALAWADE, J.

DATE : 13th JUNE, 2016

ORAL ORDER :-

1. The application is filed for transfer of R.C.S. No. 267/2015 presently pending in the Court of the Civil Judge [Sr.Division], Majalgaon to the Court of the Civil Judge [Sr.Division], Gangakhed. Heard both sides.

2. It is the case of wife/applicant that she has filed proceeding u/s 125 of the Code of Criminal Procedure in the Court at Gangakhed and she has filed another proceeding under the provisions of the Protection of Women from Domestic Violence Act in the Court at Gangakhed and

subsequent to that husband has filed Suit for declaration that he has given 'Talak' to her.

3. It is the case of wife/applicant that she is house wife and she has no source of income. It is her case that she may not be in a position to contest the matter effectively if the matter is kept in Majalgaon Court. It is her case that the husband will be required to come to Gangakhed to contest 2 matters and, therefore, no inconvenience will be caused to the husband if all the 3 proceedings are kept at one station, at Gangakhed.

4. Learned counsel for the husband submitted that husband had already given 'Talak' in May, 2014 to the applicant, it was published in news-paper and only after that aforesaid proceedings were filed by the wife to harass him.

5. The parties are muslim and the applicant has no source of income. The distance between 2 places is around 80 Kms.. The wife will certainly face difficulty in attending the matter filed by the husband as she will be required to spend on litigation, conveyance, stay and attendant. As 2 matters filed by her are pending in the Court at Gangakhed, no inconvenience will be caused to the parties if all the 3 matters are brought to one station, at Gangakhed.

6. In the result, the application is allowed. R.C.S. No. 267/2015 presently pending in the Court of the Civil Judge [Sr.Division], Majalgaon is withdrawn from that Court and is transferred to the Court of the Civil Judge

[Sr.Division], Gangakhed. The new Court to take care that the date of present proceeding matches with the 2 proceedings filed by the wife in the Court at Gangakhed so that no inconvenience will be caused to the parties. The parties to appear before the new Court on 25/07/2016. The Suit filed by the husband is to be expeditiously disposed of and in any case within six months from the date of receipt of the record from the previous Court.

[T.V.NALAWADE, J.]