

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

5 MISC.CIVIL APPLICATION NO. 57 OF 2016

JYOTI W/O PRAKASH GAIKWAD
VERSUS
PRAKASH S/O KAILAS GAIKWAD

Shri. Rahul Awasarmol, Advocate, for applicant.

CORAM: T.V. NALAWADE, J.

DATE : 30 JUNE 2016

ORDER:

1) The application is filed by wife for transfer of Hindu Marriage Petition No.204/2015 presently pending in the Court of the Civil Judge, Senior Division, Osmanabad to the Court of the Civil Judge, Senior Division, Jalna. Notice of the present proceeding is served on the husband but nobody has not turned up for the husband. Heard learned counsel for the applicant wife.

2) It is the case of the wife that the distance of the place of her residence is more than 200 kilometers from the present Court and she may not be able to go

Osmanabad. It is her case that she has to take care of kid of 9 months age and she has no source of income. It is her case that she has filed proceedings under the Protection of Women from Domestic Violence Act, under the Criminal Procedure Code for maintenance and one criminal case against husband under section 498A of the Indian Penal Code in the Court from Jalna and to contest those matters the husband is required to come to Jalna. It is her case that no inconvenience will be caused to the husband if all the cases are brought at one and the same station.

3) In view of the rebutted contentions and the submissions made this Court holds that the application needs to be allowed. In the result, the application is allowed. Hindu Marriage Petition No.204/2015 presently pending in the Court of the Civil Judge Senior Division, Osmanabad is withdrawn from that Court and is transferred to the Court of Civil Judge Senior Division Jalna. The new Court to take care and see that the date of the present matter matches with the date given in other proceedings filed by the wife in the Court from Jalna.

4) The new court is to issue notice on court motion to the husband to inform him the date of hearing and only after service of notice hearing is to start of the present proceeding. The wife is to appear before the new Court on 12th August 2016.

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

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