

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

Misc. Civil Application No.67 of 2016

Vijeta Sandeep Chandel.

.. Applicant.

Versus

Sandeep Ghanshyam Chandel.

.. Respondent.

Shri. P.S. Paranjape, Advocate, for applicant.

CORAM: T.V. NALAWADE, J.

DATE : 6th JUNE 2016.

ORDER:

1) The application is filed for transfer of Hindu Marriage Petition No.113/2015 presently pending in the Court of the Civil Judge, Senior Division, Achalpur, District Amravati to the Family Court No.2, Aurangabad, where one proceeding is filed by the wife viz. HMP No.444 of 2015. Notice of the present matter was duly served on the husband but the respondent has not turned up. Heard learned counsel for the wife.

2) It appears that the husband had filed the proceeding for restitution of conjugal rights but he converted it to make it for divorce. The wife filed proceeding for restitution of conjugal rights. It is the case of the applicant that she is resident of Aurangabad and cannot afford to spend on conveyance, attendant etc. as she will be required to go to Achalpur. It is her case that she is housewife and she may not be in a position to contest the matter filed by husband for divorce effectively if the matter is kept in Achalpur Court. It is her case that she has one issue aged about 4 years and due to this circumstance also she may face difficulty in going to Achalpur to contest the matter. It is her case that the husband is gainfully employed in a school and as one proceeding is filed by the applicant in Aurangabad Court no inconvenience will be caused if both the matters are brought to one and the same station.

3) In view of the aforesaid unrebutted contentions made by the wife this Court holds that the matter filed by the husband needs to be transferred to Aurangabad.

4) In the result, the application is allowed. Hindu Marriage Petition No.113/2015 presently pending in the Court of the Civil Judge Senior Division Achalpur is hereby withdrawn from that Court and is transferred to Family Court No.2 Aurangabad where Hindu Marriage Petition No.444/20015 filed by the wife is pending. Both the matters be kept on the same date and they are to be disposed of at the same time as they are connected matters. The parties to appear in the Family Court on 15th July 2016. The matter needs to be kept on the date which is already fixed in the proceeding filed by the wife if the husband does not appear on the date fixed by this Court.

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

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