

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

10 MISC.CIVIL APPLICATION NO. 65 OF 2014

RAMESHWARI PRADIP MAGAR

VERSUS

PRADIP DILIP MAGAR

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Mr. N.N.Desale, Advocate for Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 20th JUNE, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 444/2012, presently pending in the Court of the Civil Judge [Sr. Division], Pune to the Court of the Civil Judge [Sr. Division], Jalgaon, district Jalgaon. Notice was duly served upon the husband, but he has not turned up. Heard learned counsel for the applicant.

2. It is the case of the wife that she has filed proceeding for restitution of conjugal rights in the Court of the Civil Judge [Sr. Division], Jalgaon and as other proceeding is filed by the husband for divorce in the Court at Pune, it is desirable to avoid the conflicting

decisions. It is her case that she is house wife and can not afford to spend on litigation, conveyance and attendant to contest the proceeding filed by the husband in the Court at Pune. It is her case that she will not be able to contest the proceeding if it is kept at Pune. It is her case that she is required to take care of her issue aged 5 years and due to that also she may face difficulty in going to Pune. It is her case that the husband is in service and in any case he will be required to come to the Court at Jalgaon to contest the matter and so both the matters be transferred to the Court at Jalgaon.

3. In view of the contentions and the submissions made this Court holds that both the matters need to be brought to one Court to avoid conflicting decisions.

4. In the result, the application is allowed. H.M.P. No. 444/2012 pending in the Court of the Civil Judge [Sr. Division], Pune is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr. Division], Jalgaon where H.M.P. No. 222/2013 filed by the applicant/wife is pending. The new Court is to issue notice on court motion to the respondent/husband before hearing of the matters as he has not turned up in the present proceeding.

