

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

925 MISC.CIVIL APPLICATION NO. 84 OF 2016

JYOTI MANOJ VITKARI
VERSUS
MANOJ ASHOK VITKARI

Smt. A.R. Mate, Advocate, holding for Shri. Anil Kasliwal (Jain), Advocate, for applicant.

Shri. P.K. Ippor, Advocate, holding for Shri. S.J. Salunke, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 14 JULY 2016

ORDER:

1) The application is filed by the wife for transfer of Petition bearing No. A-64/2016 presently pending in the Family Court Aurangabad to the Court of the Civil Judge, Senior Division, Madha, District Solapur. Both the sides are heard.

2) It is the case of the wife that she is housewife and she cannot afford to spend on conveyance and attendant as the distance between Madha and

Aurangabad is around 350 kilometers. It is her case that the husband is in service and he can spend on conveyance and no inconvenience will be caused to him as he is required to come to Madha for making payment of maintenance as wife has filed recovery proceeding in Madha.

3) Learned counsel for the husband submitted that the case can be expeditiously disposed of in the present Court. He placed reliance on a case reported as **AIR 2007 SC (Supp) 126 (Parminder Kaur v. State of U.P.)**. This Court has carefully gone through the facts of the reported case. In that case the wife was living in U.S.A. and she used to visit India. There was one more circumstance that the transfer was sought to a Court where there was huge pendency. The facts of the present case are altogether different. The wife is a village lady and she has no source of income.

4) In view of the facts of the present case, this Court holds that the proceedings need to be transferred. In the result, the application allowed. The proceeding

bearing No.A-64/2016 presently pending in the Family Court at Aurangabad is hereby withdrawn from that Court and is transferred to the Court of the Civil Judge, Senior Division, Madha, District Solapur. The parties to appear in new Court on 2nd September 2016. The new Court to take care and see that the date of the present matter matches with the date of the matter filed for recovery of maintenance so that no inconvenience is caused to the husband. The new Court to expeditiously dispose of the matter and in any case within four months from the date of receipt of the record from the previous Court.

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

rs1