

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

6 MISC.CIVIL APPLICATION NO. 80 OF 2016

KALINDA W/O BALIRAM NALAWADE
VERSUS
BALIRAM S/O LAXMAN NALAWADE

...
Advocate for Applicant : Karad Murlidhar S
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CORAM : T.V. NALAWADE, J.
DATED : 28th June, 2016.

ORDER :

1. The application is filed by wife for transfer of H.M.P. No. 147/2014, presently pending in the Court of Civil Judge, Senior Division, Osmanabad to the Court of Civil Judge, Senior Division, Ambajogai. Notice of the present proceeding was served on respondent, husband, but he has not turned up. Heard the learned counsel for wife.

2. It is the case of wife that she is housewife and she cannot afford to spend on conveyance, attendant etc. as Osmanabad is situated at the distance of 110 k.m. from Ambajogai. It is her case that she is required to take care of one kid. It is her case that she has also filed one proceeding under the provisions of Protection of Women from Domestic Violence Act at Ambajogai and in any case, the husband will be required

to come to Ambajogai to attend the matter filed by her. Care and convenience of both the parties can be taken, if both the matters are brought at one station and they are kept on the same date. In view of the aforesaid contentions, which are unrebutted, this Court holds that application needs to be allowed.

3. In the result, application is allowed. H.M.P. No. 147/2014 presently pending in the Court of Civil Judge, Senior Division, Osmanabad is withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division, Ambajogai . The new Courts are to take care and see that the dates of the present matter match with the dates of the proceedings filed by the wife under the provisions of Domestic Violence Act and under section 498-A, etc. of Indian Penal Code. The parties are to appear in the new Court on 16.8.2016. The new Court is not to start the proceeding filed for divorce unless notice is served on Court motion to the husband as husband has not turned up in the present proceeding. Only after service of notice on Court motion to husband of that proceeding the hearing is to be started.

[T.V. NALAWADE, J.]

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