

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

924 MISC.CIVIL APPLICATION NO. 81 OF 2016

SAU. PRAJAKTA PRITAM KUSHER
VERSUS
PRITAM YASHWANT KUSHER

Shri. Sanjay B. Sant, Advocate, for appellant.

CORAM: T.V. NALAWADE, J.

DATE : 14 JULY 2016

ORDER:

1) The application is filed by the wife for transfer of Hindu Marriage Petition No.277/2015 presently pending in the Court of the Civil Judge, Senior Division, Beed to the Court of the Civil Judge, Senior Division, Aurangabad. The husband was duly served with the notice of the present matter but he has not turned up. Heard learned counsel for the wife.

2) It is the case of the wife that she is resident of Aurangabad District and the distance between Aurangabad and Beed is around 120 kilometers. It is her case that she has no source of income. The husband is

working in Irrigation Department of the Government. It is her case that she is required to take care of daughter aged about 2 and half years and if she is compelled to go to Beed she will be required to take at least one attendant with her and she cannot spend on attendant. It is her case that already one proceeding filed by the husband for divorce is transferred by this Court to the Court of the Civil Judge Senior Division Aurangabad and the said matter and the present matter need to be decided together in view of the nature of reliefs claimed in these two matters. It is the case of the wife that she has filed one proceeding under the Protection of Women from Domestic Violence Act and the said proceeding is pending in the Court from Aurangabad. It is her case that husband will be required to come to Aurangabad in any case to contest the aforesaid two matters.

3) In view of the aforesaid unrebutted contentions and submissions made, this Court holds that the application needs to be allowed. In the result, the application is allowed. Hindu Marriage Petition No.277/2015 presently pending in the Court of the Civil

Judge, Senior Division, Beed is hereby withdrawn from that Court and is transferred to the Court of the Civil Judge, Senior Division, Aurangabad where the proceeding bearing HMP No.218/2014 is pending. The new Court to take care and see that the date of the present matter matches with other matters filed by the wife and the husband and which are pending in Courts from Aurangabad so that no inconvenience is caused to both the sides. The new Court to issue notice to the husband to inform him the date of hearing of the matter and only after service of notice, hearing is to be started as the husband has not turned up in the present matter. The parties to appear in the new Court on 8th September 2016.

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

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