

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

909 MISC.CIVIL APPLICATION NO. 95 OF 2016

MANISHA MANOHAR BHAMARE
VERSUS
MANOHAR APPA BHAMARE

...
Advocate for Applicant : Savale Amit S
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CORAM : T.V. NALAWADE, J.
DATED : 2nd August, 2016.

ORDER :

1. The application is filed by wife for transfer of H.M.P. No. 96/2015, presently pending in the Court of Civil Judge, Senior Division, Shahada to the Court of Civil Judge, Senior Division, Dhule. Notice of this proceeding was served on respondent and one Advocate Shri. Wagh has filed appearance for husband. Heard the learned counsel for applicant. In the first session, learned counsel Shri. Wagh for husband was present, but in the second session, when the matter was taken up for hearing, he has not turned up.

2. It is the case of wife that she has no source of income and she is not in a position to spend on conveyance and attendant. It is her case that she is required to take care of a child and she may face difficulties in going to place where

petition is filed by husband for divorce. It is her case that she has filed proceeding for maintenance in the Court from Dhule and that was filed first in time and no inconvenience will be caused to the husband if both the matters are kept at one station as in any case, the husband will be required to come to Dhule to contest the matter filed by the wife.

3. In view of these circumstances and to enable to wife to contest the matter filed for divorce by husband, this Court holds that application needs to be allowed. So, the application is allowed. H.M.P. No. 96/2015, presently pending in the Court of Civil Judge, Senior Division, Shahada is withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division, Dhule. The new Court is to take care that the dates of the present matter match with the dates of the proceeding filed by wife in the Court from Dhule. The parties are to appear before the new Court on 2.9.2016. The new Court is to take care and see that notice of the divorce proceeding is given to the husband on Court motion and only after service of notice, hearing is to be started.

[T.V. NALAWADE, J.]

ssc/