

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

3 MISC.CIVIL APPLICATION NO. 85 OF 2015

ANITA VIKAS BELORKAR
VERSUS
VIKAS SHANTINATH BELORKAR

...
Advocate for Applicant : Wadmare Sanghmitra
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CORAM : T.V. NALAWADE, J.
DATED : 1st July, 2016.

ORDER :

1. The application is filed for transfer of H.M.P. No. 255/2014, presently pending in the Court of Civil Judge, Senior Division, Buldhana to Family Court, Aurangabad. Notice of the present proceeding was duly served on husband, but he has not turned up. Heard the learned counsel for applicant, wife.

2. It is the case of wife that she is housewife and she is required to take care of son aged 2 years. It is her case that the distance between Buldhana and Aurangabad is around 150 k.m. and she cannot afford to spend on conveyance, attendant etc. It is her case that she has filed one proceeding under the provisions of Protection of Women from Domestic Violence Act in Aurangabad and in any case, the husband will be required to come to Aurangabad to contest that proceeding filed by her. It is

her case that if both the matters are brought at one station, no inconvenience will be caused to the husband.

3. In view of the aforesaid unrebutted contentions and submissions made, this Court holds that application needs to be allowed.

4. In the result, application is allowed. H.M.P. No. 255/2014, presently pending in the Court of Civil Judge, Senior Division, Buldhana is withdrawn from that Court and is transferred to Family Court, Aurangabad. The new Court is to take care and see that the date of present matter matches with the date of proceeding filed by wife under Domestic Violence Act. The parties are to appear in new Court on 16.8.2016. The new Court is to issue notice on Court motion to husband to inform the date of hearing as husband did not remain present in this matter and before service of notice, hearing is not to be started.

[T.V. NALAWADE, J.]

ssc/