

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

906 MISC.CIVIL APPLICATION NO. 121 OF 2016

SOW. KALPANA W/O PRASHANT MOHITE

VERSUS

PRASHANT S/O SAHEBRAO MOHITE

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Mr. D.Y.Nandedkar, Advocate for Applicant.

Mr. P.V.Barde, Advocate for Respondent.

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CORAM : T.V.NALAWADE, J.

DATE : 29th JUNE, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 70/2015, presently pending in the Court of the Civil Judge [Sr.Division], Aurangabad to the Court of the Civil Judge [Sr.Division], Shrirampur, Dist. Ahmednagar. Heard both sides.

2. It is the case of wife that she is house wife, she has no source of income and she can not afford to spend on litigation, conveyance, attendant,etc. It is her case that the distance between Aurangabad and

Shrirampur is around 120 Kms. and she will be required to take at least one attendant with her and so she will be facing difficulty in coming to Aurangabad. The husband has filed proceeding for divorce. It is her case that she has filed 2 proceedings viz. proceeding u/s 125 of the Code of Criminal Procedure for maintenance and another proceeding under the provisions of the Domestic Violence Act, in any case the husband will be required to come to Shrirampur to contest these proceedings and so no inconvenience will be caused to him if all the 3 matters are kept at one station and on the same date.

3. Learned counsel for the husband submitted that the distance between Aurangabad and Shrirampur is hardly 80 Kms., the applicant is avoiding to attend the proceeding in the Court at Aurangabad and she will not face any difficulty in coming to Auangabad. He submitted that the 2 proceedings filed by the wife at shrirampur are at the stage of completion.

4. The things generally do not remain under control in the Courts and it is not certain that how much time will be required for the decision of the matters. If all the 3 matters are brought at one station, that will be convenient for both sides.

5. In the result, the application is allowed. H.M.P. No. 70/2015, presently pending in the Court of the Civil Judge [Sr.Division], Aurangabad is withdrawn from that Court and is transferred to the Court of the

Civil Judge [Sr.Division], Shrirampur, Dist. Ahmednagar. The new Court to take care and see that the date of the present matter matches with the date given in the 2 proceedings filed by the wife in the Court at Shrirampur. The new Court is to expedite the proceeding for divorce and dispose it of in any case within six months from the date of receipt of the record from the previous Court. Both the parties to appear before the new Court on 05/08/2016.

[T.V.NALAWADE, J.]