

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

5 MISC.CIVIL APPLICATION NO. 102 OF 2016

SOW MANISHA W/O NIRMAL AGRAWAL

VERSUS

NIRMAL S/O ARVIND AGRAWAL

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Mr. D.B.Shinde, Advocate for Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 18th JULY, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of Petition No. 79/2016, presently pending in the Court of the Civil Judge [Sr. Division], Dhule to the Family Court at Nashik. Notice of the proceeding was duly served on the husband and today he is present before the Court. He showed Identity card. He submits that he has no sufficient income and he is required to take care of his old mother. Heard learned counsel for the applicant.

2. The submissions made show that the wife has filed divorce proceeding in the Court at Nashik and husband has filed proceeding u/s 9 of the Hindu

Marriage Act in the Court at Dhule. It is the case of the wife that she is house wife, she has no source of income and due to that she can not afford to spend on litigation, conveyance and attendant. It is her case that the distance between Dhule and Nashik is about 100 Kms. In view of these circumstances and to avoid the conflicting decision, this Court holds that the application needs to be allowed.

3. In the result, the application is allowed. Petition No. 79/2016 pending in the Court of the Civil Judge [Sr. Division], Dhule is withdrawn from that Court and is transferred to the Family Court at Nashik where the divorce proceeding filed by the wife bearing No. 539/2015 is pending. The new Court to dispose of both the matters within 4 months from the date of receipt of the record from the previous Court. Both the parties to appear before the new Court on 29/08/2016.

[T.V.NALAWADE, J.]