

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

33 MISC.CIVIL APPLICATION NO. 107 OF 2016

KAVITA VIJAY DANDEKAR

VERSUS

VIJAY PURUSHOTTAM DANDEKAR

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Mr. S.K.Chavan, 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. 2690/2015, presently pending in the Family Court at Bandra, Mumbai to the Court of the Civil Judge [Sr. Division], Jalna. Notice was duly served on the husband, but he did not turn up. Heard learned counsel for the applicant.

2. 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 Bandra and her place of residence is more than 500 Kms. It is her case that she is required to take care of 3 minor

issues and due to that circumstance also she may face difficulty to attend the proceeding in the Court at Bandra. It is her case that she has filed proceeding against the husband u/s 494 of the Indian Penal Code in the Criminal Court at Jalna and in any case the husband will be required to attend the said proceeding and so no inconvenience will be caused to him if the petition filed by him in the Family Court at Bandra is transferred to the Court at Jalna.

3. In view of the aforesaid circumstances, this Court holds that the proceeding filed by the husband pending in the Family Court at Bandra needs to be transferred to the competent Court at Jalna.

4. In the result, the application is allowed. Petition No. 2690/2015 pending in the Family Court at Bandra, Mumbai is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr. Division], Jalna. The new Court to take care and see that the date of the present matter matches with the proceeding filed by the wife. The new Court is to issue notice on court motion to the respondent/husband and only after service of the notice, hearing is to be started as he did not remain present before this Court. Both the parties to appear before the new Court on 02/09/2016.

[T.V.NALAWADE, J.]

