

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

34 MISC.CIVIL APPLICATION NO. 116 OF 2016

PRADNYA W/O RAJABHAU KAMBLE

VERSUS

RAJABHAU BHIMA KAMBLE

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Mr. S.B.Bhosale, Advocate for Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 8th AUGUST, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 2/2016, presently pending in the Court of the Civil Judge [Sr. Division], Osmanabad to the Court of the Civil Judge [Sr. Division], Ambajogai, district Beed. Notice of the present proceeding was served on the husband, but he has not turned up. Heard learned counsel for the wife.

2. The applicant is wife and it is her case that she has no source of income. It is her case that she has to take care of 2 children and due to that she is facing difficulty in coming to Osmanabad from Ambajogai. The distance between Osmanabad and Ambajogai is 60 Kms.

It is her case that she has filed two proceedings in the Court at Ambajogai viz. one under the provisions of Domestic Violence Act and another u/s 498-A of the Indian Penal Code. It is her case that in any case the husband would be required to come to Ambajogai to contest the matters and so no inconvenience would be caused to him if all the matters are brought to one station. In view of these contentions, the application needs to be allowed.

3. In the result, the application is allowed. H.M.P. No. 2/2016, presently pending in the Court of the Civil Judge [Sr. Division], Osmanabad is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr. Division], Ambajogai [prayer clause is to be corrected accordingly]. The new Court to take care that the date of the present matter matches with the dates given in two proceedings filed by the wife. The new Court is to issue notice on court motion to the husband as he has not turned up to this Court. Only after service of the notice on the husband, the hearing of the divorce proceeding is to be started. Both the parties to appear in the new Court on 23/09/2016.

[T.V.NALAWADE, J.]