

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

**35 MISC.CIVIL APPLICATION NO. 118 OF 2016**

**SAU. MADHURI SUDHIR CHINCHULKAR**

**VERSUS**

**SUDHIR GAJANAND CHINCHULKAR**

.....

Mr. Shaikh Mohammad Naseer A.,

Advocate for Applicant.

Mr. U.A.Bhadgaonkar, Advocate for Respondent.

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**CORAM : T.V.NALAWADE, J.**

**DATE : 8<sup>th</sup> AUGUST, 2016**

**ORAL ORDER :-**

. The application is filed by the wife – applicant for transfer of H.M.P. No. 94/2016, presently pending in the Court of the Civil Judge [Sr. Division], Dhule to the Court of the Civil Judge [Sr. Division], Bhusawal, district Jalgaon. The proceeding is filed by the husband for divorce. Heard both sides.

2. The applicant is wife and it is her case that

she has no source of income. It is her case that the distance between her place of residence and Dhule is around 120 Kms. and she can not afford to spend on litigation, conveyance, attendant, etc. It is her case that she is required to take care of 2 children and she may not be in a position to contest the matter. It is her case that she has filed proceeding u/s 125 of Cr.P.C. in the Court at Bhusawal and in any case the husband would be required to contest that matter and so no inconvenience would be caused to him if both the matters are brought to one station.

3. Learned counsel for the husband submitted that he is required to take leave time and again and that will affect his career and so it is not desirable to transfer the matter at Bhusawal.

4. In view of the aforesaid circumstances and to enable the wife to contest the matter for divorce, this Court holds that the application needs to be allowed.

5. In the result, the application is allowed. H.M.P. No. 94/2016, presently pending in the Court of the Civil Judge [Sr. Division], Dhule is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr. Division], Bhusawal, district Jalgaon. The new Court to take care that the date of the present matter matches with the date given in the proceeding filed by the wife so that no inconvenience would be caused to the parties. The new Court is to expeditiously dispose of the

divorce proceeding and preferably within 5 months from the date of receipt of the record from the previous Court. Both the parties to appear in the new Court on 16/09/2016.

**[T.V.NALAWADE, J.]**

KNP/M.C.A. 118.2016.odt