

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

905 MISC.CIVIL APPLICATION NO. 76 OF 2015

CHANDRABHAGA VISHAL NEWALE
VERSUS
VISHAL NARAYAN NEWALE

Shri. A.N. Nagargoje, Advocate, for applicant.

CORAM: T.V. NALAWADE, J.

DATE : 14 JULY 2016

ORDER:

1) The application is filed for transfer of Marriage Petition No.1277/2014 presently pending in the Court of the Civil Judge, Senior Division, Pune to the Court of the Civil Judge, Senior Division, Beed. Notice of the present proceeding was served on the husband but he has not turned up. Heard learned counsel for the applicant - wife.

2) The aforesaid proceeding is filed by the husband for relief of restitution of conjugal rights and alternately for relief of dissolution of marriage. It is the case of the wife that she is serving in Police Department

and she is posted in Beed District. It is her case that she delivered a child in the month of May 2015 and she may face difficulty if she is required to go to Pune time and again as she cannot leave the kid at the place of her service. It is her case that she may not be able to get attendant every time for help for going to Pune. It is her case that the husband is in service and he can afford to spend on conveyance. It is the case of the applicant that she has filed proceeding under the Protection of Women from Domestic Violence Act in the Court from Beed and in any case the husband will be required to come to Beed to contest that matter.

3) In view of the aforesaid unrebutted contentions and the submissions made this Court holds that the application needs to be allowed. In the result, the application is allowed. Marriage Petition No.1277/2014 presently pending in the Court of the Civil Judge, Senior Division, Pune is hereby withdrawn from that Court and is transferred to the Court of the Civil Judge, Senior Division, Beed. The new Court to take care and see that the date of the present matter matches with the date of

the proceeding filed by the wife under the Protection of Women from Domestic Violence Act. The parties to appear before the new Court on 6th September 2016. The new Court to issue notice to the husband on Court motion to inform him the date of hearing and only after service of the notice hearing is to be started.

Sd/-
(T.V. NALAWADE, J.)

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