

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

929 MISC.CIVIL APPLICATION NO. 120 OF 2016

SAU. VAISHALI NITIN CHAVAN
VERSUS
NITIN SHANKARRAO CHAVAN

Shri. Vijay Y. Patil, Advocate, for applicant.

Shri. Rajendra Wagh, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 22 JULY 2016

ORDER:

1) The application is filed for transfer of Petition No.A-515/2015 presently pending in Family Court Aurangabad to the Court of Civil Judge, Senior Division Jalgaon. Heard both the sides.

2) It is the case of the applicant, wife that she is housewife, she has no source of income and she cannot afford to spend on conveyance and attendant. The distance between Pachora and Aurangabad is more than 150 kilometers. It is her case that she is required to take care of her daughter aged about 5 years and due to that

also she may face difficulty in coming to Aurangabad. It is her case that due to these circumstances she may not be able to contest the matter filed by husband for divorce effectively.

3) The husband has filed reply and has contested the matter. The reply is taken on record. It was submitted for the husband that he is ready to pay some amount for conveyance and attendant to the wife so that she can come to Aurangabad and there is no need to transfer the matter. It was submitted that the matter from Aurangabad can be expedited. It was submitted that the other matter filed by the wife is pending in the Court from Pachora and there will be harassment to the husband if he is required to go to two places like Jalgaon and Pachora.

4) In view of the circumstances this Court holds that to enable the wife to contest the divorce matter effectively the matter needs to be transferred to the Court at Jalgaon. Care of convenience of the husband can be taken if the matter from Pachora is transferred to Jalgaon. For that, there will be liberty to the husband to apply to

the learned Sessions Judge Jalgaon for transfer of the matter from Pachora to Jalgaon and both the matters can be kept in Courts from Jalgaon on the same date so that no inconvenience will be caused.

5) In the result, the application is allowed. Petition No.A-515/2015 presently pending in the Family Court Aurangabad is hereby withdrawn from that Court and is transferred to the Court of the Civil Judge Senior Division Jalgaon. Parties are to appear before new Court on 1st September 2016. The matter is to be expeditiously disposed of by the new Court and in any case within 5 months from the date of receipt of the record from the previous Court.

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

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