

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

910 MISC.CIVIL APPLICATION NO. 132 OF 2016

GITA ALIAS DEVYANI W/O DEVENDRA JAPSARE  
VERSUS  
DEVENDRA DEVIDIN JAPSARE  
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Shri. Sumit S. Agrawal, Advocate, for applicant.  
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**CORAM: T.V. NALAWADE, J.**

**DATE : 10<sup>th</sup> AUGUST 2016**

**ORDER:**

1) The application is filed by wife for transfer of Petition No.A-87/2015 presently pending in the Family Court Akola to the Court of Civil Judge, Senior Division, Dhule where the wife is living. Notice of the present proceeding was duly served on the husband but he has not turned up.

2) The submissions made for the wife and the contentions made in the petition show that there is no source of income to the wife and she is required to take care of daughter aged about 11 years. It is her case that she cannot afford to spend on litigation, conveyance and attendant as Akola is situated at 400 kilometers from the

place of her residence. It is her case that she may not get attendant every time and due to this circumstance she may not be able to contest the proceeding filed against her for divorce effectively. It is her case that the husband is running a medical shop and his family runs an educational institution. In view of these unrebutted contentions and submissions and one execution proceeding is pending in Dhule against the husband, this Court holds that the application needs to be allowed.

3) The application is allowed. Petition No.A-87/2015 presently pending in Family Court Akola is hereby withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division, Dhule. The new Court to take care and see that date of the present matter matches with the date of the proceeding filed by wife in Dhule against the husband. The parties to appear in the new court on 27<sup>th</sup> September 2016. The new Court to see notice to the husband on court motion and only after service of the notice, the hearing of the divorce proceeding is to be started.

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