

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

6 MISC.CIVIL APPLICATION NO. 128 OF 2016

SOW. JAYSHREE RAMU KAMBLE (NILANGEKAR)
VERSUS
RAMU TUKARAM KAMBLE (NILANGEKAR)

...
Advocate for Applicant : Ghate Sajivani K. Deshmukh
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CORAM : T.V. NALAWADE, J.
DATED : 9th August, 2016.

ORDER :

1. The application is filed for transfer of H.M.P. No.106/2011, presently pending in the Court of Civil Judge, Senior Division, Nanded to the Court of Civil Judge, Senior Division, Parbhani. Notice of this proceeding was served on husband, but he has not turned up. Heard the learned counsel for applicant.

2. It is contended by the wife that she is housewife and she cannot afford to spend on conveyance and attendant etc. for going to Nanded situated at the distance of around 80 k.m. She has contended that one case is pending against husband for the offences punishable under sections 498-A, etc. of Indian Penal Code and to contest that matter, husband will be required to come to Parbhani and no inconvenience will be caused to him, if

all the matters are brought to one station. In view of these un rebutted contentions and as the proceeding is filed for divorce, to enable the wife to contest the matter effectively, this Court holds that application needs to be allowed.

3. In the result, the application is allowed. H.M.P. No. 106/2011 presently pending in the Court of Civil Judge, Senior Division, Nanded is withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division, Parbhani. The new Court is to see and take care that the dates of the present matter match with the date of the matter, if any, filed by wife pending in the Court from Parbhani. Parties are to appear before the new Court on 23.9.2016. The new Court is to issue notice on Court motion to husband and only after service of the notice on husband, hearing of the divorce proceeding can be started.

[T.V. NALAWADE, J.]

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