

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

41 MISC.CIVIL APPLICATION NO. 94 OF 2015

KANCHAN PARAG PATIL

VERSUS

PARAG UTTAM PATIL

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Mr. P.S.Gaikwad h/f Mr. A.G.Talhar,
Advocate for Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 20th JUNE, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 242/2015, presently pending in the Court of the Civil Judge [Sr.Division], Pune to the Court of the Civil Judge [Sr.Division], Bhusawal. The husband was duly served, but he has not turned up. Heard learned counsel for the applicant/wife.

2. It is the case of the wife that the proceeding for divorce is filed against her in the Court at Pune which is situated at the distance of 500 Kms. from her residence. It is her case that she is house wife and can not afford to spend on litigation, conveyance and attendant and she

may not be able to contest the divorce proceeding. It is her case that the husband is in service and he could afford to spend. It is her case that she has filed proceeding for maintenance in the Court at Raver. The distance between Raver and Bhusawal is 35 Kms. and the husband will be required to attend the said proceeding and so no inconvenience will be caused to him.

3. In view of the contentions and the submissions made, this Court holds that the matter needs to be transferred.

4. In the result, the application is allowed. H.M.P. No. 242/2015, presently pending in the Court of the Civil Judge [Sr.Division], Pune is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr.Division], Bhusawal. The new Court is to take care and see that the date of the present matter matches with the date of the proceeding filed by the wife. The new Court is to issue notice on court motion to the husband as he has not turned up to this Court and only after service of the notice, the hearing of the proceeding is to be started. Both the parties to appear before the new Court on 22/08/2016.

[T.V.NALAWADE, J.]

