

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

928 MISC.CIVIL APPLICATION NO. 101 OF 2015

ASHWINI PRASHANT MHASKE
VERSUS
PRASHANT ASHOK MHASKE

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Advocate for Applicant : Mr. Wagh Rajendra H.

CORAM : T. V. NALAWADE, J

DATE : 26th April, 2016

O R D E R:

1. The application is filed for transfer of Hindu Marriage Petition No. 45 of 2015 presently pending before the Civil Judge, Senior Division, Buldhana to the Family Court at Aurangabad. The said proceeding is filed under section 9 of the Hindu Marriage Act by the husband.

2. Notice of the present proceeding was served on husband but he has not turned up. It is to be presumed that the notice is served as the husband refused to accept the notice.

3. It is the case of the applicant wife that she is housewife and she has no source of income and she cannot afford to go to Buldhana situated at a distance of around 120 kms. from Aurangabad. It is her case that she is required to take care of her two kids and

so she will be required to take at least one attendant to Buldhana. It is her case that she has filed one proceeding under the Protection of Women from Domestic Violence Act in Aurangabd and in any case the Husband will be required to come to Aurangabad to defend that proceeding.

4. In view of the aforesaid unrebutted contentions, this court holds that the matter filed in Buldhana Court needs to be transferred in Family Court at Aurangabad. The application is allowed.

5. Hindu Marriage is hereby withdrawn from the court of civil Judge, Senior Division Buldhana an it is transferred to Family Court, Aurangabad.

6. New court is to issue notice of court motion to husband before staring hearing of the matter as the husband did not turned up in the present proceeding.

7. New court is to take care and see that the date of present matter matches with the date faxed in matter filed by wife under D.V. Act. Parties to appear before the new court on 27.06.2016.

(T. V. NALAWADE, J.)

JPC