

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

13 MISC.CIVIL APPLICATION NO. 99 OF 2014

BHAKTI BHUSHAN GORHE

VERSUS

BHUSHAN DILIP GORHE

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Mr. R.A.Jaiswal h/f Mr. N.S.Ghanekar,
Advocate for Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 13th JUNE, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of petition No. A – 244, presently pending in the Family Court, Nashik to the Court of the Civil Judge [Sr.Division], Ahmednagar. Notice of this proceeding was duly served on the husband and he has appointed the Advocate. But, today nobody turned up for the husband. Heard learned counsel for the applicant.

2. It is the case of wife that she is not resident

of Ahmednagar and she is required to take care of issue aged about 6 years. It is her case that she is household lady, she has no source of income and she can not afford to spend on litigation, conveyance and attendant for coming to Nashik where the proceeding is filed for divorce by the husband. It is her case that she has filed proceeding u/s 9 of the Hindu Marriage Act and also one maintenance proceeding in the Court at Ahmednagar and in any case husband is required to attend the said proceedings. It is her case that no inconvenience will be caused to the husband if all the 3 proceedings are kept at one station, at Ahmednagar. It is her case that the husband can afford to spend on litigation, conveyance, etc.

3. In view of the contentions and the submissions made, this Court holds that no inconvenience will be caused to both the parties if all the 3 matters are kept at one station. In view of the above circumstances, the application needs to be allowed.

4. In the result, the application is allowed. The proceeding pending in the Family Court, Nashik is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr.Division], Ahmednagar. The new Court to take care that the date of present proceeding matches with the 2 proceedings filed by the wife in the Court at Ahmednagar so that no inconvenience will be caused to the parties. The parties to appear before the new Court on 11/08/2016. If the

husband did not turn up, notice is to be issued to him on court motion and only after service of such notice, hearing of said proceedings is to be started.

[T.V.NALAWADE, J.]

KNP/M.C.A. 99.2014.odt