

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

5. MCA/105/2015

RAJSHRI DNYANESHWAR PAWAR

V/S

DNYANESHWAR RAGHNATH PAWAR

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Mr. PAWAR PAWAN B, Advocate for
Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 3rd MAY, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 186/2014 presently pending in the Court of the Civil Judge [Sr. Division], Amalner, district Jalgaon to the Court of the Civil Judge [Sr. Division], Dhule. Notice of the present proceeding is served on the respondent, but he did not turn up. Heard learned counsel for the applicant.

2. The applicant is wife and it is her case that she has no source of income and on every occasion she is required to go to Amalner as she is residing at Dhule and hence she faces difficulty in coming to Amalner to attend the matter. It is her case that she can not afford to go to Amalner. It is her case that she is required to take care of her issue aged 3 years and due to that she is

facing difficulty in attending the Court at Amalner. It is her case that she is required to spend on attendance, conveyance, etc. for attending the matter at Amalner and she is facing difficulty as she has no source of income, she may not be able to contest the matter effectively. It is her case that she has filed proceeding u/s 498-A of the I.P.C. and another proceeding u/s 125 of the Cr.P.C. in the Court at Dhule and in any case the husband will be required to come to Dhule and no inconvenience will be caused to him if the proceeding at Amalner is transferred to the Court at Dhule.

3. In view of these contentions, this Court holds that the application needs to be allowed.

4. In the result, Misc. Civil Application is allowed. The proceeding pending in the Court at Amalner i.e. H.M.P. No. 186/2014 is withdrawn from that Court and is transferred to the Court at Dhule where 2 proceedings filed by the applicant are pending. The new Court is expected to see that all the proceedings are taken on the same date so that no inconvenience will be caused to the parties. The new Court is to take care that the notice of the proceedings is given to the husband as he has not turned up to this Court. Only after service of the notice to the husband, hearing is to be started. The parties to appear in the new Court on 01/07/2016.

[T.V.NALAWADE, J.]

