

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

30 MISC.CIVIL APPLICATION NO. 121 OF 2015

PRIYA SAMMEK GAIKWAD
VERSUS
SAMMEK@SANDIP J. GAIKWAD

...
Advocate for Applicant : Nirmal Ramchandra J.
Advocate for Respondents : Choudhary Nitin S.
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CORAM : T.V. NALAWADE, J.
DATED : 9th March, 2016.

ORDER :

1. The application is filed by wife for transfer of H.M.P. No. A-619/2014 filed by the husband in the Family Court, Bandra for dissolution of marriage to the Court of Civil Judge, Senior Division, Jalna. Both the sides are heard.

2. It is the contention of the wife that she has no source of income and she will be required to take attendant on every date to Mumbai for attending the matter filed by husband and that will cause harassment to her and she will not be able to contest the matter effectively. The learned counsel for husband submitted that Family Court has already taken care of this circumstance and by order dated 23.3.2015, Family Court, Bandra has directed to pay Rs. 1200/- to the wife on every date of the matter.

3. Another circumstance is mentioned in the application that two proceedings like proceeding u/s. 125 of Criminal Procedure Code for maintenance and one proceeding under Domestic Violence Act are filed by the wife in the Court at Jalna. The learned counsel for husband submitted that notices of those proceedings are not served on him on the date of affidavit in the present proceeding.

4. Though Family Court, Bandra has made some order against the husband and he has directed to make payment to the wife for conveyance, the things are generally not within the control of the Court or even parties. It cannot be said with certainty that within particular time, the matter filed in Bandra Court will be disposed of. It cannot be said that every time, wife will be able to go to Mumbai or she will have some accommodation there and due to these circumstances, she may be able to contest the matter effectively, if the proceeding is kept in Bandra Court. On the other hand, the husband will have to attend the two proceedings filed by wife in Jalna Court. Care and convenience of husband can be taken by keeping all the three matters on the same date, even if they are filed in different Court. The learned counsel for wife makes a statement

that the counsel of the wife will cooperate in that regard in all the three matters in the Courts from Jalna. In view of these circumstances, this Court holds that present application needs to be allowed.

5. In the result, the application is allowed. HMP No. A-619/2014, presently pending in the Family Court, Bandra, Mumbai is withdrawn from that Court and the same is transferred to the Court of Civil Judge, Senior Division, Jalna. The new Court is to see convenience of both the sides in view of the observations already made. The new Court is to see that the matter is expeditiously disposed of and in any case, within six months from the date of receipt of record of the case from Bandra Court. The parties are to appear in new Court on 30.4.2016. If any amount is deposited by the husband in Bandra Court and wife had not attended, that amount is allowed to be withdrawn by the husband.

[T.V. NALAWADE, J.]

ssc/