

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

904 MISC.CIVIL APPLICATION NO. 113 OF 2014

SAU. KIRTI TUKARAM POKALE
VERSUS
TUKARAM KISAN POKALE

Shri. A.N. Nagargoje, Advocate, for applicant.

Shri. S.R. Zambare, Advocate, holding for Shri. N.V.
Gaware, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 14 JULY 2016

ORDER:

1) The application is filed for transfer of Hindu Marriage Petition No.52/2014 presently pending in the Court of the Civil Judge, Senior Division, Shrigonda, District Ahmednagar to the Court of the Civil Judge, Senior Division, Beed. Heard both the sides.

2) The aforesaid proceeding is filed by the husband for divorce against the applicant. It is the case of the applicant that she is house-wife. she has no source of income and she cannot spend on conveyance and

attendant. It is her case that the distance between the place of the Court and the place of her residence is around 200 kilometers and she may not be able to contest the matter effectively if the matter is kept in the Court from Shrigonda. It is her case that she has filed a complaint against the husband for offence under section 498-A of the Indian Penal Code and in any case the husband will have to come to Beed to contest that matter.

3) Learned counsel for the husband submitted that the wife did not cohabit even for a month and then she started living with her parents. It is the case of the husband that in the past he had filed proceeding under section 9 of the Hindu Marriage Act and in that proceeding compromise had taken place and the wife had promised to return to the matrimonial house but she did not return to the matrimonial house. Learned counsel submitted that the matter is old and it can be expedited even by keeping the matter in Shrigonda Court.

4) The aforesaid circumstances show that the wife has no resources and she may not be able to contest the

matter effectively if the matter is kept at Shrigonda. She has further contended that in the past quarrels had taken place and she has filed complaints against the husband out of those incidents and she has fear that she will be pressurized at Shrigonda for giving consent for divorce.

5) In view of the aforesaid circumstances this Court holds that the application needs to be allowed. The application is allowed. Hindu Marriage Petition No.52/2014 presently pending in the Court of the Civil Judge Senior Division, Shrigonda is withdrawn from that Court and is transferred to the Court of the Civil Judge, Senior Division, Beed. The new Court to take care and see that the date of the present matter matches with the date of the case if any filed against the husband for offence under section 498A of the Indian Penal Code so that no inconvenience is caused to him. The parties to appear in the new Court on 12th August 2016.

Sd/-
(T.V. NALAWADE, J.)

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