

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

31 MISC.CIVIL APPLICATION NO. 145 OF 2015

SOW.KARUNA W/O DHIRAJ BHANDARI
VERSUS
DHIRAJ S/O HIRALAL BHANDARI

...
Advocate for Applicants : Andhale Sandip R
...

CORAM : T.V. NALAWADE, J.
DATED : 9th March, 2016.

ORDER :

1. The application is filed for transfer of H.M.P. No. 293/2015 filed by the husband against the applicant wife from the Court of Civil Judge, Senior Division, Malegaon, District Nashik to the Court of Civil Judge, Senior Division, Ahmednagar. Notice of the application was served on husband, but he has not turned up. Heard the learned counsel for applicant.

2. It is the case of wife that she has no source of income and she cannot afford to go to Malegaon to attend the divorce proceeding filed by the husband. It is her contention that in view of her age, she will be required to take attendant with her and she will be required to spend on attendant. It is the case of wife that in the year 2014, she had filed maintenance proceeding u/s. 125 of Criminal Procedure Code and in the year

2015, she had filed proceeding under Domestic Violence Act at Ahmednagar. It is her case that in any case, the husband will be required to attend those proceedings by coming to Ahmednagar. Copies of those proceedings are produced on record. This Court holds that for convenience of both the sides and to enable the wife to contest the proceeding filed by the husband for divorce effectively, the matter needs to be transferred.

3. In the result, application is allowed. HMP No. 293/2015, presently pending in the Court of Civil Judge, Senior Division, Malegaon, District Nashik is hereby withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division, Ahmednagar. The new Court is to take care and see that the dates of the present matter matches with the dates given in the matters filed by the wife so that no inconvenience is caused to the husband after transferring the matter to Ahmednagar. Notice of the proceeding is to be given to the husband as the husband has not turned up in the present proceeding and only after that proceeding is to be decided.

[T.V. NALAWADE, J.]

ssc/