

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

919 MISC.CIVIL APPLICATION NO. 149 OF 2015
WITH MCA/137/2015

RAJESHRI@MEENA RAJENDRA PHUPHATE
VERSUS
RAJENDRA EKNATH PHUPHATE

Smt. Trupti Waghmare, Advocate, for applicant in MCA No.149/2015 and for respondent in MCA No.137/23015

Shri. A.M. Gholap, Advocate, for applicant in MCA No.137/2015 and for respondent in MCA 149/2015.

CORAM: T.V. NALAWADE, J.

DATE : 14 JULY 2016

ORDER:

1) Misc. Civil Application No.149/2015 is filed by wife and Misc. Civil Application No.137/2015 is filed by husband. Both the applications are in respect of Petition No. A.196/2015 filed in Family Court Aurangabad. The wife has prayed for transfer of the matter to Family Court Nanded and the husband has filed proceeding for transfer of the matter to the Court of the Civil Judge Senior Division Aurangabad. The husband has some grievance against the presiding officer and so he wants transfer.

2) It is the case of the wife that she is housewife and she has no source of income and she is not able to spend on conveyance and attendant. It is her case that every occasion she will be required to come to Aurangabad with one attendant as the distance between Nanded and Aurangabad is more than 250 kilometers. It is her case that the husband has filed the proceeding for divorce and she may not be able to contest the matter effectively if the matter is kept at Aurangabad.

3) Learned counsel for the husband submitted that the husband is ready to give expenses for conveyance and attendant. Though such submission is made by the husband, generally things are not within the control and it is not certain as to how much time will be required for disposal of the matter filed by the husband. In view of these circumstances this Court holds that the divorce proceeding filed by the husband needs to be transferred to Nanded to enable the wife to contest the matter effectively. Misc. Civil application No.149/2015 filed by the wife is allowed. The aforesaid proceeding presently pending in the Family Court Aurangabad is hereby

withdrawn from that Court and is transferred to the Family Court Nanded. In view of this order, Misc Civil Application 137/2015 filed by the husband is disposed of.

4) The parties to appear before the Court on 20th August 2016. The new Court is to expeditiously dispose of the matter and in any case within four months from the date of receipt of the record from the previous Court.

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

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