

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

910 MISC.CIVIL APPLICATION NO. 152 OF 2015

VINAYA VINAYAK KAMBLE
VERSUS
VINAYAK ANIL KAMBLE

Shri. Vilas P. Savant, Advocate, for applicant.

Shri. D.P. Palodkar, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 16th MARCH 2016

ORDER:

1) The application is filed for transfer of Hindu Marriage Petition - P.A. No.717/2014 which is presently pending in Family Court Pune. The proceeding is filed by the respondent, husband for divorce. The applicant wife wants the transfer of said proceeding from present Court to the Court of Civil Judge Senior Division, Latur. Both the sides are heard.

2) It is the case of the wife that she has no source of income and she is required to travel the distance of

more than 300 kilometers to go to Pune to contest the divorce proceeding. It is her case that she cannot afford to spend on litigation and also on conveyance of herself and of attendant. For her convenience and for enabling her to contest the matter effectively she has prayed for transfer of the matter to Latur.

3) The husband has opposed the application. It was submitted for the husband that maintenance at the rate of Rs.2000/- per month is awarded in favour of the wife and as per order of the Family Court, the husband is paying Rs.1000/- on each date as travelling allowance to the wife. It is contended that only to protract the decision of divorce proceeding, the wife is playing such tactics.

4) The proceeding was filed in the year 2014 but it is not yet disposed of. It cannot be said as to how much time will be required for disposal of the matter. The wife is aged about 22 years and she is required to go to place like Pune and so she cannot go there alone, she will be required to go with some attendant. That itself causes inconvenience to the wife. As the proceeding is filed for

divorce this Court holds that to enable to wife to contest the matter effectively the matter needs to be transferred to Latur where the wife is living. Only giving of the amount for travelling allowance is not sufficient in such cases and anything can happen on any date and due to that it may not be possible for the wife to go to the Court from Pune.

5) In the result, the application is allowed. The Petition A. No.717/2014 presently pending in the Family Court Pune is hereby withdrawn from that Court and is transferred to the Court of the Civil Judge Senior Division, Latur. The parties to appear before the new Court on 30th April 2016. The new Court is to expeditiously dispose of the matter and in any case within six months from the date of receipt of the record from the old Court.

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

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