

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

Misc. Civil Application No.159 of 2015

Sumitra w/o Pradeep Akhade. .. **Applicant.**

Versus

Pradeep s/o Ramchandra Akhade. .. **Respondent.**

Shri. Rajendra H. Wagh, Advocate, for applicant.

CORAM: T.V. NALAWADE, J.

DATE : 6th JUNE 2016.

ORDER:

1) The application is filed for transfer of Hindu Marriage Petition No.798 of 2015 presently pending in the Court of the Civil Judge, Senior Division, Pune to the Family Court, Aurangabad. Notice of this application is served on the husband and one Advocate is engaged but he has not turned up. Learned counsel for the applicant is heard.

2) It is the case of the applicant that she is resident of Aurangabad and she cannot afford to spend on

conveyance, attendant etc. as the matter is filed by the husband for divorce in the Court from Pune. It is her case that she may not be in a position to contest the matter effectively if the matter is kept at Pune. It is her case that she has filed one proceeding under the Protection of Women from Domestic Violence Act in Aurangabad Court and no inconvenience will be caused to the husband if both the matters are brought at one station.

3) No reply is filed by the husband. In view of the aforesaid unrebutted contentions and as the husband is gainfully employed, he is working as a Lecturer in a college, this Court holds that to enable the wife to contest the divorce proceeding effectively the matter needs to be transferred to Aurangabad.

4) In the result, the application is allowed. Hindu Marriage Petition No.798 of 2015 presently pending in the Court of the Civil Judge Senior Division Pune is withdrawn from that Court and is transferred to the Family Court at Aurangabad. The new Court to take care and see that this matter and the other matter filed by the wife under

the Protection of Women from Domestic Violence Act are kept on the same date so that no inconvenience is caused to both the sides. If the husband does not appear on the date fixed, notice needs to be issued on Court motion to the husband as he has not turned up today in this Court. The parties are expected to appear in the new Court on 14th July 2016. The application is allowed and disposed of in the above terms.

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

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