

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

7 MISC.CIVIL APPLICATION NO. 163 OF 2015

SOW. MONALI W/O SUNIL KSHIRSATH

VERSUS

SUNIL S/O SHIVAJI KSHIRSATH

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Mr. Afzal Hussain M.Vakil, Advocate for Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 4th JULY, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 709/2015, presently pending in the Court of the Civil Judge [Sr. Division], Kalyan to the Court of the Civil Judge [Sr. Division], Dhule, district Dhule. The respondent was duly served with the notice but he does not turn up. The office note shows that in spite of signing on the process document in the name of Sunil, Anil is written. This circumstance need not be considered in view of the nature of the proceeding and as the notice was accepted. Heard learned counsel for the applicant.

2. The applicant is wife and it is her case that

she has no source of income and on every occasion she is required to go to Kalyan and hence she faces difficulty to attend the proceeding at Kalyan. It is her case that the husband is working as Clerk in Air Lines. It is her case that she has also filed proceeding u/s 9 of the Hindu Marriage Act in the Court at Dhule. It is her case that it is desirable that the proceeding filed by the husband and her proceeding are heard by the same Court to avoid conflicting decision. It is her case that she has also filed another proceeding u/s 125 of the Code of Criminal Procedure for maintenance. It is her case that no inconvenience will be caused to the husband if all the matters are brought at one station and are heard on the same date.

3. In view of the contentions and the submissions made, this Court holds that application needs to be allowed.

4. In the result, the application is allowed. H.M.P. No. 709/2015, presently pending in the Court of the Civil Judge [Sr. Division], Kalyan is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr. Division], Dhule, district Dhule, where H.M.P. No. 281/2015 filed by the wife is pending. The new Court to take care and see that the date given in the present matter matches with the date given in other proceedings filed by the wife so that no inconvenience will be caused to the parties. The new Court to take care and see that the decisions in both the matters are given

together. The new court to see that the notice on court motion be issued to the husband and only after service of it, hearing is to be started, as the husband did not appear before this Court. Both the parties to appear in the new Court on 20/08/2016.

[T.V.NALAWADE, J.]

KNP/M.C.A. 163.2015.odt