

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

Misc. Civil Application No.171 of 2015

Bhagyashri w/o Anandkumar Bhange. .. **Applicant.**

Versus

Anandkumar s/o Kishor Bhange. .. **Respondent.**

Shri. Madhur A. Golegaonkar, 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.77/2015 presently pending in the Court of the Civil Judge, Senior Division, Kopargaon, District Ahmednagar to the Court of Civil Judge Senior Division, Malshiras, District Solapur. The proceeding is filed for divorce by the respondent-husband. Notice of the present proceeding is served on the respondent-husband and he has appeared through one Advocate. Today at the time of hearing nobody turned up for the respondent-husband. This Court has heard the learned counsel for the applicant.

2) It is the case of the wife that she has completed B.A.M.S. and she is doing diploma through distance learning. It is her case that she has no source of income. It is her case that she may not be in a position to spend for conveyance, attendant etc. as she is required to go to Kopergaon which is situated at a distance of 250 kilometers from the place of her residence. It is her case that the husband is gainfully employed and he is getting handsome salary. It is her case that no inconvenience will be caused to the husband if the proceeding is transferred to the Court from Malshiras which is the place of her residence.

3) The respondent-husband has not filed reply. In view of the aforesaid unrebutted contentions made by the wife, this Court holds that to enable the wife to contest the proceeding filed against her for divorce effectively the matter needs to be transferred to Malshiras, District Solapur.

4) In the result, the application is allowed. The Hindu Marriage Petition No.77/2015 presently pending in

the Court of the Civil Judge, Senior Division, Kopargaon, District Ahmednagar is hereby withdrawn from that Court and is transferred to the Court of the Civil Judge Senior Division Malshiras, District Solapur. The new Court is to take care and see that the husband has notice of the present proceeding. If the husband does not remain present on the date fixed, notice needs to be given to him on Court motion. The parties to appear before the new Court on 8th July 2016. In those terms the application is allowed and disposed of.

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

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