

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, Court's orders or directions and Registrar's orders.	Notes, of Court's orders or Registrar's orders.	Office Coram, Court's orders or Registrar's orders.	Court's or Judge's orders.
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MISC.CIVIL APPLICATION NO. 177 OF 2015

RUPALI W/O SACHIN AUTE
VERSUS
SACHIN S/O SOPAN AUTE

Advocate for Applicant : Mr. D. R. Markad.

Advocate for Respondent: Mr. Sachin S/o Sopan Aute,
Party in person.

CORAM: T. V. NALAWADE, J.

DATED: 28th MARCH, 2016.

PER COURT:

1. The application is filed by wife for transfer of HMP No.472 of 2015 which is pending in the Court of Family Court at Nasik. Notice of the proceeding was served on the husband and he is allowed by the committee to conduct the matter personally. Hearing was given to him.

2. It is the case of the wife that divorce proceeding is filed against her by husband in Nasik Court and she cannot afford to spend on conveyance, attendant and stay. It is her case that she is household wife and she has no source of income. It is her case that her father is handicap person

and so he may not be able to give company to her for attending the divorce proceeding at Nasik. It is her case that if the matter is kept in Nasik Court she may not be able to contest the divorce proceeding effectively.

3. It is the case of the husband that he tried his level best to bring the wife back to matrimonial house. It is his case that he had filed proceeding under section 9 of Hindu Marriage Act with the hope that the wife will return back to matrimonial house and he had settled the matter in the Court. It is his case that the wife did not turn up to resume cohabitation but she tried to create false case. It is his case that the wife is interested only in giving harassment to him. He submitted that in the Family Court wife had submitted that she also wants divorce but he has no record in support of this contention. He submitted that false allegations are made against his parents when his parents had given report against him and they are not on good terms with him. It is submitted by the husband that the parents of the wife are quarreling with him and they may implicate him in false case if the matter is transferred to Aurangabad.

4. It appears that the husband is making income but the wife has no source of income. It is not disputed that

father of the wife is handicap person. The distance between Aurangabad and Nasik is around 200 kilometers. Even if some order is made against the husband of making payment of expenses, that order will not be effective. It is not certain as to how much time will be required for disposal of the divorce matter. In view of these circumstances, this Court holds that, to enable the wife to contest the matter filed for divorce effectively, it is necessary to transfer the matter to the Court at Aurangabad.

5. In the result, the application is allowed. HMP No.472 of 2015 is withdrawn from Family Court at Nasik and transferred to Family Court at Aurangabad. The new Court is to expeditiously dispose of the matter and in any case within 6 months from date of receipt of the record. The parties are to appear in the new Court on 2nd May, 2016.

(T. V. NALAWADE, J.)

Dt.28/03/2016.
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