

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

Misc Civil Application No. 174 of 2015

Anjali W/o Dharmendra Shinde. .. **Applicant.**

Versus

Dharmendra S/o Pandharinath Shinde. .. **Respondent.**

Smt. Savita G. Mapari, Advocate, for applicant.

Shri. A.A. Nimbalkar, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 8th MARCH 2016

ORDER:

1) The application is filed for transfer of HMP No.106/2015 which is presently pending in the Court of Civil Judge, Senior Division, Shrigonda, Dist. Ahmednagar. The said proceeding is filed for divorce by the husband, present respondent. Both the sides are heard.

2) It is the case of the wife that she is living at the mercy of her father in Latur and she cannot afford to go to Shrigonda which is situated at the distance of more than 300 kilometers from Latur. It is her case that she has no

resources and every time she will be required to take one attendant to go to the Court. It was submitted that she has filed one proceeding under Protection of Women from Domestic Violence Act and that proceeding is pending in Court from Latur.

3) Learned counsel for the husband submits that the proceeding under Protection of Women from Domestic Violence Act came to be filed after filing of the divorce proceeding and, only to create a ground for the present proceeding. The learned counsel for husband has made a statement that the husband will make provision for making some payment for travelling expenses if the matter is kept in Shrigonda.

4) Things are generally not under control of anybody. It is not known as to how much time will be required for decision of the divorce proceeding. On every date the wife will be required to go to Shrigonda. There is no reason to disbelieve her contention that she has no resources and she cannot afford to spend on travelling for her own and the attendant. To enable her to contest the

matter effectively which is filed against her for divorce, this Court holds that the proceeding needs to be brought to the Court at Latur. As one more proceeding is already pending in Latur Court, both the matters can be kept on same day so that the husband will not be required to spend more for attending the two proceedings.

5) So the application is allowed. The proceeding of HMP No.106/2015 is withdrawn from the Court of the Civil Judge, Senior Division, Shrigonda and is transferred to the Court of the Civil Judge, Senior Division, Latur. The new Court is to see that the same date is given as is given in proceeding filed under Protection of Women from Domestic Violence Act. The date is to be informed either to the new Court or to the Court of the Magistrate so that same date for these two proceedings is fixed. Parties are expected to appear before the new Court on 25-4-2016. The new Court is expected to expeditiously dispose of the divorce proceeding, within six months from the date of receipt of the record.

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

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