

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

2 MISC.CIVIL APPLICATION NO. 176 OF 2015

SAU. MAYURI VYANKATESH NINGURKAR

VERSUS

VYANKATESH SHYAMSUNDAR NINGURKAR

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Mr. P.P.Uttarwar, Advocate for Applicant.

Mr. S.V.Dodya, Advocate for Respondent.

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CORAM : T.V.NALAWADE, J.

DATE : 13th JUNE, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of matrimonial petition bearing P.A. No. 1196/2014 presently pending in the Family Court, Pune to the Court of the Civil Judge [Sr.Division], Ahmednagar. The proceeding is filed for judicial separation by the husband. Notice of this proceeding was duly served on the husband and appearance was filed for him. But he remained absent. Heard learned counsel for the applicant.

2. It is the case of wife that she has no source of income and she may not be in a position to spend on litigation, conveyance and attendant if the matter is kept at Pune and due to that she may not be in a position to contest the matter effectively. It is her case that she has filed

proceeding against the husband and said proceeding is pending in the Court at Ahmednagar and in any case husband is required to attend the said proceeding. It is her case that no inconvenience will be caused to the husband if the 2 proceedings are kept at one station, at Ahmednagar. It is contended that husband is Engineer and he is gainfully employed and so no inconvenience will be caused to him.

3. In view of the contentions and the submissions made, P.A. No. 1196/2014 presently pending in the Family Court, Pune needs to be transferred to the Court of the Civil Judge [Sr.Division], Ahmednagar and the application needs to be allowed.

4. In the result, the application is allowed. P.A. No. 1196/2014 presently pending in the Family Court, Pune is withdrawn from that Court and is transferred to the Court of the Civil Judge [Sr.Division], Ahmednagar. The new Court to take care that the date of present proceeding matches with the 2 proceedings filed by the wife in the Court at Ahmednagar so that no inconvenience will be caused to the parties. The parties to appear before the new Court on 29/07/2016. If the husband does not turn up, notice is to be issued to him on court motion and only after service of such notice, hearing of said proceedings is to be started.

[T.V.NALAWADE, J.]

