

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

33 MISC.CIVIL APPLICATION NO. 175 OF 2015

CHAYABAI MAROTI GONTE
VERSUS
MAROTI NAGORAO GONTE

...
Advocate for Applicant : Dhage Vaibhav B.

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CORAM : T.V. NALAWADE, J.
DATED : 9th March, 2016.

ORDER :

1. The application is filed by wife for transfer of H.M.P. No. 38/2015 filed by the husband, which is pending in the Court of Civil Judge, Senior Division, Udgir, District Latur.

2. It is the case of wife that she is resident of Kandhar and so, the matter can be transferred to Kandhar where there is Court of Civil Judge, Senior Division. It is her case that she is housewife, she has no source of income and every time she will be required to take one attendant and spend for conveyance for both to attend the Court where divorce proceeding is filed by the husband. It is her case that she will not be able to contest the divorce proceeding effectively if the matter is kept at the Court from Udgir. It is also her case that she has filed some proceedings and one proceeding is of the year 2013 and to

attend those matters, the husband will be required to come to Kandhar. If divorce proceeding is transferred to Kandhar, no inconvenience will be caused to the husband.

2. Notice of the present proceeding is served and one Advocate Shri. Shinde has filed appearance for husband. He has not turned up. In view of the contentions made in the application and submissions made, this Court holds that application needs to be allowed.

3. So, the application is allowed. HMP No. 38/2015, presently pending in the Court of Civil Judge, Senior Division, Udgir is withdrawn from that Court and same is transferred to the Court of Civil Judge, Senior Division, Kandhar. The new Court is to see and take care that the dates given in aforesaid proceeding matches with the dates given in other proceedings filed by the wife and no inconvenience is caused to the husband. The new Court is to see that notice of the matter is given to the husband as nobody is present today for husband in this Court and only after that matter, is to be heard.

[T.V. NALAWADE, J.]

ssc/