

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

913 MISC.CIVIL APPLICATION NO. 181 OF 2015

MRS. SNEHAL AMIT AGRAWAL
VERSUS
AMIT RADHESHYAM AGRAWAL

...
Advocate for Applicant : Kulkarni B. B.
Advocate for Respondent : Lakhotiya P.K.
...

CORAM : T.V. NALAWADE, J.
DATED : 7th April, 2016.

ORDER :

1. The application is filed by wife for transfer of H.M.P. No. 98/2015, presently pending in the Court of Civil Judge, Senior Division, Manglurpir, District Washim. Both the sides are heard.

2. It is the case of wife that she has no source of income and she cannot afford to go to Manglurpir situated at the distance of 275 k.m. from Aurangabad. It is her case that considering her age and considering the fact that she is required to take care of one six months baby, she will be required to take one attendant with her. It is her case that she cannot afford to spend on her conveyance and conveyance of attendant and also on stay. It is her case that she may not be able to contest the matter filed by the husband for dissolution of marriage effectively if the matter is kept at Mangrulpir Court.

3. The learned counsel for husband submits that he is ready to give some amount for the expenses for travelling of the wife and also of the attendant. He submits that examination in chief by affidavit is filed by husband and the matter has made some progress and at this stage, it is not desirable to transfer the matter. The learned counsel for husband submits that he has no knowledge about the filing or pendency of any matter allegedly filed by wife for maintenance at Aurangabad.

4. Though the husband is ready to pay something, the things do not remain in the control of the parties and it is not certain as to how much time will have to be required for disposal of the matter. The circumstance that the wife is required to take care of one baby of six months, this Court holds that is sufficient reason to transfer the matter for her convenience and for taking care of the baby. Making husband to pay something will not be solution. Further, when one proceeding is filed by wife at Aurangabad, husband will be required to come to Aurangabad to attend that proceeding and so, no inconvenience will be caused if the matter filed for dissolution of marriage by husband is transferred to Court from Aurangabad and care can be taken to see that both the matters are kept in the same Court.

5. In the result, the application is allowed. The aforesaid H.M.P. No. 98/2015, presently pending in the Court of Civil Judge, Senior Division, Mangrulpir, District Washim is withdrawn from that Court and is transferred to the Family Court, Aurangabad where matter filed by wife for maintenance is pending. The new Court is to take care and see that both the matters are kept on the same day, so that no inconvenience is caused to both the sides. The new Court is to dispose of the matter filed by the husband expeditiously and in any case, within six months from the date of receipt of the record from the previous Court. The parties are to appear in the new Court on 7.6.2016.

[T.V. NALAWADE, J.]

ssc/