

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

Office Memoranda of appearance, directions and Registrar's orders.	Notes, of Court's orders or	Office Coram, orders or	Court's or Judge's orders.
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MISC.CIVIL APPLICATION NO. 183 OF 2015

SOW. ASHVINI SHIRISH SATPUTE PATIL
VERSUS
SHIRISH RAMCHANDRA SATPUTE PATIL

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Advocate for Applicant : Mr. Devakate Anant R.

CORAM: T. V. NALAWADE, J.
DATED: 28th MARCH, 2016.

PER COURT:

1. The application is filed by wife for transfer of HMP No.465 of 2015 which is presently pending in the Family Court, Nasik, to Family Court at Aurangabad. Heard learned counsel for the wife. Notice of the proceeding was served on husband but he has not turned up.

2. It is the case of wife that divorce proceeding is filed against her by the Respondent in Family Court at Nasik. It is her case that she is required to take care of her son, aged about 6 years and the distance between Aurangabad and Nasik is more than 200 kilometers. It is her case that she has no source of income and she cannot afford to spend on

conveyance, stay etc. for going to Nasik. It is her case that every time she is required to take at-least one attendant with her as she is a lady aged about 30 years. It is her case that she will not be able to contest the divorce proceeding effectively if the matter is not transferred to Family Court at Aurangabad. These contentions are supported by affidavit by the wife. Though, in the petition it is mentioned that the wife is in service, learned counsel for the Petitioner submits that she is not in service and accordingly there is an affidavit. He submitted that the husband is working as priest in a temple and making some income. In view of these unrebutted contentions made by the wife, this Court holds that the matter needs to be transferred to Aurangabad court. It appears that one proceeding filed by the Petitioner under Domestic Violence Act is also pending in Aurangabad Court and in that proceeding the husband will be required to come to Aurangabad Court. Care can be taken to see that both the matters are kept on the same date so that there will be convenience to both the sides.

3. In the result, application is allowed. HMP No. 465 of 2015 is transferred from Family Court, Nasik to Family Court

at Aurangabad. The new Court is to see that the husband has the notice of the transfer and if he does not turn up on the next date the notice is to be given to the husband and only after service of the notice the matter is to be heard. The care is to be taken that the matter filed by the wife in Aurangabad Court is kept on the same date which is fixed in HMP No.465 of 2015 by the family Court at Aurangabad. The wife is to appear in the new Court at Aurangabad on 2nd May, 2016.

(T. V. NALAWADE, J.)

Dt.28/03/2016.
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