

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

913 MISC.CIVIL APPLICATION NO. 189 OF 2015

SHUBHANGI BALAJI SOMAWANSHI
VERSUS
BALAJI SUDHAKAR SOMWANSHI

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Advocate for Applicant : Kawade Arvind R.

CORAM : T.V. NALAWADE, J.
DATED : 27th April, 2016.

ORDER :

1. The application is filed for transfer of H.M.P. No. 24/2015, presently pending in the Court of Civil Judge, Senior Division, Umarga to the Court of Civil Judge, Senior Division, Aurangabad. The said proceeding is filed by husband for divorce. Notice of the present proceeding is served on husband, but he has not turned up. Heard the learned counsel for wife.

2. It is the case of wife that she is housewife and she cannot afford to spend for going to Umarga to attend the matter filed by the husband for divorce. It is her case that the distance between Umarga and Aurangabad is more than 300 k.m. and she will have to take one attendant with her as she is required to take care of herself and two issues, aged about 10 years and 9 years. It is her case that she will not be in a position to contest

the matter filed for divorce effectively if the matter is kept pending at Umarga. It is her case that she has filed one proceeding under Domestic Violence Act at Aurangabad and in any case, the husband will be required to come to Aurangabad to contest the matter.

3. In view of the aforesaid unrebutted contentions and the submissions made, this Court holds that proceeding needs to be transferred.

4. In the result, the application is allowed. H.M.P. No. 24/2015, presently pending in the Court of Civil Judge, Senior Division, Umarge is withdrawn from that Court and is transferred to the Court of Civil Judge, Senior Division, Aurangabad. The new Court is to take care and see that the date of the H.M.P. matches with the date in the matter filed under Domestic Violence Act filed by the wife so that no inconvenience is caused to both the sides. The new Court is to issue notice to husband on Court motion as the husband has not turned up in this proceeding and only after service of notice hearing of the divorce proceeding will take place. The parties are to appear before the new Court on 27.6.2016.

[T.V. NALAWADE, J.]

SSC/