

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

14 MISC.CIVIL APPLICATION NO. 5 OF 2016

LAXMI AJAY CHOUNDIYE
VERSUS
AJAY OMPRAKASH CHOUNDIYE

...
Advocate for Applicant : Wakode Ananda Pandhari
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CORAM : T.V. NALAWADE, J.
DATED : 27th July, 2016.

ORDER :

1. The application is filed by wife for transfer of H.M.P. No. 231/2015, presently pending in the Court of Civil Judge, Senior Division, Buldhana to Family Court, Aurangabad. Notice of the present proceeding was duly served on respondent, but nobody has turned up. Heard the learned counsel for wife.

2. It is the case of wife that husband has filed proceeding for restitution of conjugal rights in the Court from Buldhana and as she is resident of Aurangabad, she is facing difficulties for going to the Court of Buldhana and in contesting the matter. It is her case that the distance between Buldhana and Aurangabad is around 170 k.m. The learned counsel for applicant made a statement on information that the applicant has three minor issues and due to that circumstance also, she is

facing difficulties in going to Buldhana. It is the case of wife that she has no source of income and she cannot afford to spend on conveyance and attendant. It is her case that husband is a businessman and no inconvenience will be caused to him as he is required to come to Aurangabad to attend the proceeding filed for maintenance by the wife. In view of the aforesaid unrebutted contentions and submissions made, this Court holds that application needs to be allowed.

3. In the result, application is allowed. H.M.P. No. 231/2015, presently pending in the Court of Civil Judge, Senior Division, Buldhana is withdrawn from that Court and is transferred to Family Court, Aurangabad. The new Court is to take care and see that the date of the present matter matches with the maintenance proceeding filed by wife in the Court from Aurangabad. The new Court is to give notice on Court motion to husband and only after service of notice, hearing is to be started as husband has not turned up in the matter. The parties are to appear in the new Court on 16.9.2016.

[T.V. NALAWADE, J.]

ssc/