

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1. MCA/188/2015

PAYAL @ SHRUTI SAURABH KULKARNI

V/S

SAURABH VIJAY KULKARNI

.....

Mr.DESHPANDE DHANANJAY P., Advocate
for Applicant.

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CORAM : T.V.NALAWADE, J.

DATE : 3rd MAY, 2016

ORAL ORDER :-

. The application is filed by the wife – applicant for transfer of H.M.P. No. 924/2015 presently pending in the Family Court, Pune to the Family Court, Nanded. Notice of the present proceeding is served on the respondent, but he did not turn up. Heard learned counsel for the applicant.

2. The applicant is wife and it is her case that she has no source of income and on every occasion she is required to go to Pune as she is residing at Nanded and hence she faces difficulty in going to Pune to attend the matter. It is her case that she can not afford to go to

Pune. It is her case that she is facing difficulty in attending the Court at Pune as the distance between Pune and Nanded is about 450 Kms. It is her case that she is required to take care of her issue and due to that she is facing difficulty in attending the Court at Pune. It is her case that she is required to spend on attendance, conveyance, etc. for attending the matter at Pune and hence she is facing difficulty as she has no source of income and she may not be able to contest the matter effectively. It is her case that she has filed divorce proceeding against the husband in the Family Court at Nanded and after filing said proceeding, husband filed proceeding in the Court at Pune. It is her case that she has filed maintenance proceeding against the husband, but she is not getting anything. It is her case that in any case the husband will be required to attend the proceedings in Nanded Court and hence no inconvenience will be caused to him if the proceeding at Pune is transferred to the Family Court at Nanded. It is her case that such transfer is necessary to avoid conflicting decision also.

3. In view of these unrebutted contentions, this Court holds that the application needs to be allowed.

4. In the result, Misc. Civil Application is allowed. The proceeding pending in the Court at Pune i.e. H.M.P. No. 924/2015 is withdrawn from that Court and is transferred to the Court at Nanded where 2 proceedings filed by the applicant are pending. The new

Court is to see that all the proceedings are kept together so that no inconvenience will be caused to the parties. The new Court is to take care that the notice of the proceedings is given to the husband as he has not turned up to this Court. Only after service of the notice to the husband, hearing is to be started. The parties to appear in the new Court on 27/06/2016.

[T.V.NALAWADE, J.]