

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

921 MISC.CIVIL APPLICATION NO. 186 OF 2015

SAU. DHANASHRI VISHAL CHOLKE
VERSUS
VISHAL GOVINDRAO CHOLKE

Shri. Sanket S. Kulkarni, Advocate, for applicant.

Shri. Amit Savale, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 14 JULY 2016

ORDER:

1) The application is filed by the wife for transfer of Hindu Marriage Petition No.446/2015 presently pending in the Court of the Civil Judge, Senior Division, Dhule to the Court of the Civil Judge, Senior Division, Kopargaon. Heard both sides.

2) It is the case of the wife that the distance from the place of her residence and the place of the Court where the husband has filed proceeding for divorce is around 300 kilometers. It is her case that she has no

source of income and she may not be able to spend on conveyance and attendant. It is her case that she may not be able to contest the matter effectively if the matter is kept in Court from Dhule.

3) It is the case of the husband that the wife deserted not only the husband but also a child aged about 4 years. In the case of the husband that in past proceeding was filed by him under section 9 of the Hindu Marriage Act but the wife did not resume cohabitation even when decree of restitution of conjugal is given in the said matter. He submitted that only to protract the decision of the divorce matter, present proceeding is filed.

4) It appears that in the proceeding filed by the husband under section 9 of the Act the wife did not appear and so *ex parte* decree is given in favour of the husband. In view of this circumstance, this Court holds that to enable the wife to contest the matter filed for divorce effectively, the matter needs to be transferred to Kopergaon, the place of residence of the wife. It appears that the wife has filed two proceedings at Kopergaon like

proceeding for maintenance and proceeding under the Protection of Women from Domestic Violence Act. In view of these circumstances, the husband will be required to come to Kopergaon in any case to contest those matters and so no inconvenience will be caused to him if all the matters are brought at one and the same station.

5) In the result, the application is allowed. Hindu Marriage Petition No.446/2015 presently pending in the Court of the Civil Judge, Senior Division, Dhule is hereby withdrawn from that Court and is transferred to the Court of the Civil Judge, Senior Division, Kopergaon. The new Court to take care and see that the date of the present matter matches with the dates of the two other proceedings filed by the wife in the Courts from Kopergaon. The parties to appear in the Court on 26th August 2016. The new Court to expeditiously dispose of the matter and in any case within four months from the date of receipt of the record from the previous Court.

Sd/-
(T.V. NALAWADE, J.)

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