

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

929 MISC.CIVIL APPLICATION NO. 10 OF 2016

JYOTI ARUN KUMBHAR
VERSUS
ARUN SUDAM KUMBHAR

...
Advocate for Applicant : Mr. Shrinivas H. Panchal

CORAM : T. V. NALAWADE, J

DATE : 26th April, 2016

PER COURT :

1. The application is filed for transfer of Special Marriage Petition No. 12 of 2015 presently pending in the court of IIIrd Adhoc District Judge, Pune to the Family Court at Nanded. The said proceeding is filed for restitution of conjugal rights.

2. Notice of the present proceeding was duly served on the other side but the other side- husband has not turned up.

3. It is the case of the applicant wife that she is facing difficulty for going to Pune Court which is at the distance of 500 kms. from Nanded. It is her case that she is not getting attendant as there is no male member in her family. It is her case that she has filed one proceeding under the Hindu Marriage Act

in Family Court at Nanded in which the respondent is appearing and therefore, the transfer will be for convenience of both the sides. It is her case that she has also filed one proceeding under the Protection of Women from Domestic Violence Act and husband will have to come to defend that proceeding also.

4. In view of the aforesaid unrebutted contention and as the care of convenience of both the sides can be taken by bringing all the matters at the same station, this Court holds that the application needs to be allowed. In the result, the application is allowed.

5. Special Marriage Petition No. 12 of 2015 presently pending in the court of IIIrd Adhoc District Judge, Pune is hereby withdrawn and it is transferred to the Family Court at Nanded.

6. New court is to take care and see that the present matter and the matter filed by wife are kept on the same date and dates of these two matters match the date of the proceedings filed under the Domestic Violence Act.

7. New court is to take care and see that notice is issued to the husband before starting hearing of the

matter as the husband has not turned up in the present matter.

8. The parties are expected to appear before the new court on 27.06.2016.

9. Learned counsel for the applicant is advised to make correction in the application as he has mentioned the Court as Civil Judge, Senior Division from where the matter is to be transferred.

(T. V. NALAWADE, J.)

JPC