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

MISC. CIVIL APPLICATION NO.22 OF 2017

Sapana w/o Bibisar Gaikwad,
Age: 27 years, Occ: Household,
R/o. C/o. Mahindra Baburao Gaikwad,
N-11, 42/3, Sundarshan Nagar,
HUDCO, Aurangabad. ..APPLICANT

VERSUS

1. Bibisar s/o Baburao Gaikwad,
Age: 32 years, Occ: Service,
R/o. C/o. Vitthal Bhosale,
Sy. No.55/3, Bhairav Nagar,
Dhonari Road, Lane No.12,
Pune – 411 015
2. Mohammad Aslam s/o Mohammad
Naser, Age: 25 years, Occ:Service,
R/o. Maulana Azad Nagar, Selu,
Tq. Selu, Dist. Parbhani. ..RESPONDENTS

Mrs Chhaya E. Gaikwad, Advocate for applicant;
Mr N.T. Tribhuvan, Advocate for respondent No.1

CORAM : NITIN W. SAMBRE, J.

DATE : 6th SEPTEMBER, 2017

ORAL ORDER :

The respondent-husband initiated
proceedings being Petition No.PA-1255 Of 2016
before Family Court, Pune against the present

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applicant-wife seeking divorce under the provisions of Section 13(1) (i)(ia) of the Hindu Marriage Act, of which, transfer is sought at Aurangabad.

2. It is claimed that at Aurangabad, another proceedings under Protection of Women from Domestic Violence Act, 2005 being Misc. Criminal Application No. 603 of 2016 is pending on the file of Judicial Magistrate (Court No.14), Aurangabad.

3. The claim for transfer of the proceedings is canvassed on the ground of inconvenience and hardship to the present applicant in travelling 250 kms. distance from Aurangabad to Pune for attending the said proceedings.

4. Learned Counsel for the respondent - husband opposed the claim on the ground that since the applicant is able bodied lady, she can always attend the proceedings at Pune.

5. Having considered the rival submissions

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and having regard to the convenience of the applicant, it will be appropriate, in my opinion, to order transfer of the proceedings as prayed in terms of prayer clause (B).

6. It will be appropriate to direct concerned Judicial Magistrate, First Class, Aurangabad to fix Misc. Criminal Application No.203 of 2016 initiated under the provisions of Protection of Women from Domestic Violence Act on the date, on which, Family Court, Aurangabad will fix the matter for hearing so as to make it convenient to both the parties in attending the matter.

7. Misc. Application stands disposed of in above terms.

(**NITIN W. SAMBRE, J.**)

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