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

MISC. CIVIL APPLICATION NO.152 OF 2017

Shraddha w/o Avinash Rajwade,
Age : 35 years, Occupation : Housewife,
R/o Survey No.48/2/1/1, Shri Nagari Society,
Flat No.2, C- wing, near Niramay Hospital,
Wadgaon Sheri, Pune – 14

..APPLICANT

VERSUS

Avinash s/o Mohan Rajwade,
Age 39 years, Occupation – Service,
R/o Flat No.4, Indrayani Complex,
Kala Nagar, Old Gangapur Naka,
Gangapur Road,
In front of Pramod Mahajan Garden,
Nashik, District Nashik

..RESPONDENT

Mr Mr B.K. Patil, Advocate for applicant;
Mr Raj Devdhe, Advocate holding for S.P. Brahme, Advocate for
respondent

CORAM : NITIN W. SAMBRE, J.

DATE : 25th September, 2017

ORAL ORDER:

The plea for transfer of proceedings being Hindu Marriage Petition No.313 of 2016 to Pune, is strenuously opposed by the learned Counsel appearing on behalf of the respondent, on following grounds :-

- (a) The cause of action has arose at Dhule Court, where the proceedings are pending;
- (b) Since the respondent is in Merchant Navy, who is on leave, is not getting salary and is also required to maintain his parents;

(2)

(c) According to him, it is convenient for the applicant-wife to travel to Dhule, to attend the proceedings as she intends to stay with her parents at Pune. Applicant is considering her own convenience and not of respondent-husband.

2. Considered submissions.

3. It is not in dispute that the applicant is blessed with two children and she is their custodian.

4. Apart from above, there is one more proceedings pending at Pune which is being attended to by the respondent, for transfer of which to Dhule or Nashik, where the respondent is residing, the respondent has not taken out the proceedings.

5. In view of above, the objections, as aforesaid raised on behalf of the respondent are over-ruled.

6. Misc. Civil Application stands allowed in terms of prayer clause (B) and disposed of. However, the proceedings stand transferred to the Court of Civil Judge Senior Division, Pune.

(NITIN W. SAMBRE, J.)

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