

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

MISC.CIVIL APPLICATION NO. 187 OF 2017

Sangita W/o Ramesh Taware,
Age : 45 Years, Occu : Household,
R/o At and Po. Belura, Tq. And
Dist. Beed.

Applicant

VERSUS

Ramesh S/o Mhasu Taware,
Age : 52 years, Occu : Service,
R/o Irrigation Colony, Ghulewadi,
Tq. Sangamner, Dist. Ahmednagar.

Respondent

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Advocate for Applicant : Mr. H.V. Tungar

**CORAM : V.K.JADHAV, J.
DATED : 4th DECEMBER, 2017.**

PER COURT :-

1. Learned counsel for the applicant submits that the applicant-wife has initiated Criminal Miscellaneous Application No.1895 of 2010 in the Court of Judicial Magistrate, First Class at Beed under section 128 of the Code of Criminal Procedure and also filed Criminal Miscellaneous Application No.716 of 2014 before Judicial Magistrate, First Class at Beed U/s. 128 of the Code of Criminal Procedure.

2. The respondent filed HMP No.194 of 2017 for decree of divorce before the Court of Civil Judge, Senior Division at Sangamner under section 13 (1) of the Hindu Marriage Act, 1955. The learned counsel submits that the applicant-wife is physically handicapped to the extent of 40% and she is not in a position to attend the court dates at Sangamner. Learned counsel submits that the applicant is also not financially sound to attend the Court dates at Sangamner.

3. Though the respondent-husband duly served, none appears for him.

4. On perusal of permanent disablement certificate as issued by the Medical Board, the applicant-wife is suffering from the permanent disablement to the extent of 40%. In view of the same and also for the reasons that she is not in a position to attend the court cases at Sangamner due to financial constraints I am inclined to transfer the HMP from Sangamner to Beed. Even the respondent husband has not bothered to appear before this Court in response to the notice issued by this Court. Hence, following order :-

ORDER

(I) Miscellaneous Civil Application is allowed in terms of

prayer clause (B).

(II) Miscellaneous Civil Application is accordingly disposed of.

(V.K.JADHAV, J.)

mta/-