

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 195 OF 2016

Sow. Reshma W/o Mahesh Barde,
Aged : 23 years, Occu.: Household,
R/o C/o Nagnath Murlidhar Magar,
Sangvi (Kati), Tq. Tuljapur,
Dist. Osmanabad

.. Applicant
(Orig. Opponent)

Vs.

Mahesh S/o Vilas Barde,
Aged : 28 years, Occu.: Service,
R/o Tamalwadi, Tq. Tuljapur,
Dist. Osmanabad and or
at House No.2015/1,
Sector 19/A, Siddhi Vinayak Society,
Koparkhairane, Navi Mumbai

.. Non-Applicant
(Orig. Applicant)

Mr. S.S. Choudhari, Advocate for the applicant
None present for the respondent though served

CORAM : SUNIL P. DESHMUKH, J.
DATE : 11/01/2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel on behalf of the applicant. Respondent though served is absent.
2. This application has been moved seeking transfer of proceedings filed by respondent bearing H.M.P. no.199 of 2016 in the Court of civil judge senior division at Thane, seeking dissolution of marriage of the applicant and the respondent, to the Court of civil judge

senior division at Osmanabad, which is the place convenient to the applicant, according to the submission made on behalf of the applicant.

3. Learned counsel for the applicant points out that two proceedings were initiated by applicant against the respondent, one in the year 2014 and other for maintenance in the year 2016 and in the meanwhile aforesaid proceeding has been moved by the respondent at Thane. It is being submitted that it is difficult for the applicant to travel to Thane and attend to the proceedings. Additionally, financial condition of the applicant is very weak and her parents also would not be able to bear the expenses of prosecution of the proceedings at Thane. It is submitted that having regard to that two proceedings are pending at Tuljapur, it would be expedient to transfer the proceeding to a place nearest to Tuljapur, where the dispute filed by the respondent in the Thane Court, can be adjudicated which is Osmanabad. To these submissions, there is no resistance and absence on behalf of the respondent despite service of the application, to quite a large extent, shows tacit acceptance of the request made in the present application.

4. In the circumstances, the miscellaneous civil application is allowed. Rule is made absolute in terms of prayer clause (B). Misc. Civil Application stands disposed of accordingly.

[SUNIL P. DESHMUKH]
JUDGE

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