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

MISC. CIVIL APPLICATION NO.206 OF 2017

Sau. Madhuri w/o Amol Sakhare,
Age : 36 years, Occu. Household,
R/o C/o Damodhar Annasaheb
Ghodeswar,
At Sonala, Tq. Sangrampur,
Dist. Buldhana

..APPLICANT

VERSUS

Amol S/o Baburao Sakhare,
Age : 38 years, Occu. Nil,
R/o Plot No.169, Jyotinagar,
Dist. Aurangabad

..RESPONDENT

Mr Vijay Y. Patil, Advocate for applicant;
Mr P.A. Kulkarni, Advocate for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : 28th November, 2017

ORAL ORDER:

Heard learned Counsel for parties.

2. Learned Counsel appearing on behalf of the applicant-wife insisted for transfer of the proceedings being Misc. Civil Application No.328 of 2017 (MARJI) to the Court of District Judge, Khamgaon, considering the fact that the applicant is custodian of two minor children. In the aforesaid background, he would also press the issue of inconvenience and hardship of the applicant.

(2)

3. Learned Counsel appearing on behalf of respondent-husband, upon instructions, makes a categorical statement in the form of an undertaking, that towards travel and other incidental expenses, the respondent shall deposit an amount of Rs.7,000/- in Misc. Civil Application No.328 of 2017, pending on the file of District Judge, Aurangabad, within a period of four weeks from today, out of which said Court should ensure payment of Rs.3,500/- to the applicant on each date, provided she personally attends the proceedings.

4. The respondent undertakes to continue to deposit said amount before the Trial Court on each date thereafter, provided the applicant personally attends the proceedings.

5. Two consecutive defaults on the part of the respondent in depositing the amount as aforesaid shall automatically result in transfer of the proceedings under reference to the Court of District Judge, Khamgaon.

6. If the amount as undertaken is deposited, the learned District Judge, Aurangabad shall ensure payment of amount of Rs.3,500/- on each date to the applicant.

7. With above observations and directions, Misc. Civil Application stands disposed of.

(NITIN W. SAMBRE, J.)

amj