

her travel expenses, which the Respondent has failed to pay and infact there are arrears of about Rs.45,000/-. The Applicant has also filed proceedings under the Protection of Women from Domestic Violence Act, 2005 before the Judicial Magistrate, First Class, Nashik on 11-03-2015. In August, 2016 the Applicant filed divorce petition before the Family Court at Nashik.

3. It is submitted by the Applicant that the distance between Nashik and Bhusaval is 700 kms to and fro. She has submitted that it will be very difficult for her to travel along with her three years old son from Nashik to Bhusaval to attend the proceedings filed by the Respondent at Bhusaval, Jalgaon. The Respondent has also failed to pay travel expenses as directed by the trial court. Even otherwise, the Applicant is unable to maintain herself and her minor son and they are completely dependent on her parents. She has already filed a Petition seeking divorce before the Family Court at Nashik and the Respondent in any event, is coming to Nashik to attend/defend the proceedings filed by the Applicant under the Protection of Women under the Domestic Violence Act, 2005 before the Court of Judicial Magistrate, First Class, at Nashik and the Divorce proceedings filed by her at Nashik. The Applicant has therefore, submitted that the above Misc. Civil Application be allowed and the Petition filed by the Respondent seeking restitution of conjugal rights be transferred to the Family Court at Nashik and heard along with the Divorce Petition filed by the Applicant.

3. The Respondent husband has not appeared before the Court despite being served with a copy of the above Misc. Civil Application as well as the orders passed by this Court. In the absence of any defence or contest by the Respondent, the averments contained in the Misc. Civil Application have remained uncontroverted. I see no reason why the statements / submissions made by the Applicant in the above Misc. Civil Application should not be accepted. In the circumstances, I am satisfied that grave inconvenience and hardship will be caused to the Applicant, if the relief sought in the above Misc. Civil Application is not granted. On the other hand, no hardship/inconvenience will be caused to the Respondent who is already attending / shall be attending the proceedings filed by the Applicant before the Courts at Nashik. In the circumstances, I pass the following order :

- i. The Hindu Marriage Petition No.70 of 2015 filed by the Respondent before the 5th Joint Civil Judge, Senior Division, Bhusaval, Jalgaon, stands transferred to the Family Court at Nashik.
- ii. The Court of 5th Civil Judge, Senior Division, Bhusaval, Jalgaon, is directed to transmit the papers and proceedings of Hindu Marriage Petition No. 70 of 2015 to the Family Court at Nashik on or before 8th September, 2017.
- iv. Parties and / or their Advocates shall appear before the Family Court at Nashik, on 11th September, 2017 at 11.00 a.m. and obtain appropriate orders / directions.

- v. The Family Court at Nashik shall endeavour to hear and dispose off the Hindu Marriage Petition No.70 of 2015 within a period of six months from 11th September, 2017. The Family Court at Nashik shall not grant any adjournments to the parties unless absolutely necessary. The parties too shall not seek any adjournments unless absolutely necessary.
- vi. The parties as well as the learned Civil Judge, Senior Division, Bhusaval, Jalgaon, and the Family Court at Nashik to act on an authenticated copy of this order.
- vii. A copy of this order shall be forthwith forwarded to the Respondent by the Advocate for the Applicant by Speed Post A.D./Registered Post A.D. and/or by hand delivery.
- viii. The above Misc. Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)