

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

908 MISC.CIVIL APPLICATION NO.175 OF 2019

SONALI ALIAS VARSHA DIPAK SHINDE
VERSUS
DIPAK EKNATH SHINDE

...
Advocate for Applicant : Mr. Kasar Rajendra S.

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**CORAM : ROHIT B. DEO, J.
DATED : 07th FEBRUARY, 2020.**

PER COURT:-

. Heard the learned counsel for the applicant. None appears on behalf of the respondent who is duly served.

2. The averments in the application have gone unchallenged in the absence of counter affidavit.

3. The applicant is seeking transfer of H.M.P. No.120 of 2017 filed by the respondent in the Court of Civil Judge Senior Division, Aurangabad, to Civil Judge Senior Division, Ahmednagar.

4. The applicant contends that from the wedlock, she has two young children aged 9 and 6 years. According to the applicant, she is compelled to reside with her parents at Kasarwadi, Taluka Pathardi, District Ahmednagar, since she is deserted by the non-applicant on 30.12.2018.

5. The applicant states that only with the intent to harass her, the non-applicant filed proceedings seeking

dissolution of marriage on 21.02.2017 and that although at the relevant time the applicant was residing with the non-applicant at Aurangabad, she was kept in dark.

6. The applicant submits that she has no source of income and that she apprehends threat to her life since the non-applicant is working with the police department. It is further submitted that distance between her village and Aurangabad is 150 kms and with no source of income and no companion to escort her, it would be extremely inconvenient for her to effectively attend the proceedings at Aurangabad, particularly since her children are young.

7. In view of the averments in the application, which have gone unchallenged, in my considered view a case is made out for allowing this application in terms of prayer clause (A), which reads thus:

“[A] Grant this Misc. Civil Application and transfer the proceeding bearing Petition H.M.P. No.120/2017 from Ld. Civil Judge Senior Division, Aurangabad to learned Ld. Civil Judge Senior Division, Ahmednagar at Ahmednagar, and for that purpose issue necessary orders.”

(ROHIT B. DEO, J.)