

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

41 MISC.CIVIL APPLICATION NO.114 OF 2021

PRATIBHA NARESH MAJGE
VERSUS
NARESH BASWANTRAO MAJAGE

...
Advocate for Applicant : Mr. V. G. Sakolkar
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CORAM : AVINASH G. GHAROTE, J.

DATED : 19th JULY, 2021.

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PER COURT :

1. In spite of respondent sole being served, none appears. The order dated 30/03/2021, records, that the applicant is presently doing temporary private service for her livelihood at Aurangabad and the distance between Aurangabad and Latur is around 300 Km, where HMP No.51 of 2021, filed by the husband under section 9 of HM Act is pending before the 5th Jt. Civil Judge Senior Division, Latur.

2. Considering the settled position of law, that the convenience of the wife, has to be kept in mind, unless circumstances dictate otherwise or there are circumstances, where the husband has offered to affray the expenses of the

wife and her companion, which position is not forthcoming on record, in absence of the husband putting in his appearance, I do not see any reason not to transfer the proceedings pending at Latur to Aurangabad. It is therefore, directed that the HMP No. 51 of 2021, pending on the file of 5th Jt. Civil Judge Senior Division, Latur, be transferred to the Family Court, Aurangabad.

3. The 5th Jt. Civil Judge Senior Division, Latur, is requested to transmit the record of the above proceedings to the Family Court, Aurangabad within 15 days from the receipt of this order.

4. Application is accordingly disposed of.

(AVINASH G. GHAROTE, J.)

vsm/-