

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO.32 OF 2015

Asha w/o Sachin Chavan.

**....Applicant**

**Versus**

Sachin s/o Badu Chavan  
and Another.

**....Respondents.**

Mr. K. B. Jadhav, Advocate for applicant.

Mr. P. N. Mule, APP for respondent No.2.

Mr. S. P. Salgar, Advocate for respondent No.1.

**CORAM : T.V. NALAWADE, J.**

**DATED : 16th June, 2015.**

**PER COURT :**

1. The application is filed for set aside the order of dismissal made by the Family Court. The Family court has dismissed proceeding bearing No.E-142/2013 filed by the present petitioner on the ground that she was not turning up and she is not prosecuting in the matter. The order of dismissal came to be made on 16-1-2015. Both the sides are heard.

2. It is the case of the petitioner that due to death of close relative she did not turn up. She was otherwise regular in attending the Court. Learned counsel for the husband argue on the point that the place of residence of

wife cannot be considered in the present proceeding. This Court has perused the Roznama and it shows that regular process could not be served and the matter was adjourned on that ground on many times. The notice by Registered Post Acknowledgment Due was issued and it was served. On some dates the wife remained absent. But that can be said in respect of the husband also. The wife had shown readiness to go before the Lok Adalat for settlement of the dispute. But she did not turn up and on the next date when the wife remained absent the matter came to be dismissed. On the next date she was present before the Court. Nothing can be achieved by the wife in remaining absent before the Court. In the reason, the petition is allowed. The order of dismissal is set aside the matter is restored to its original number. The parties are to appear before the Family Court on 3/07/2015.

**[ T.V. NALAWADE, J. ]**

mnp/