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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.185/2016

Mrs.Ratnaprabha Mahendra Nimbhorkar,
age 25 yrs., occu.household,
r/o c/o Nandkishore Savkhedkar,
2, Aashirwad, Veer Savarkar Nagar,
Tq. & Dist.Jalgaon.

...Applicant..

Versus

Mahendra Gopal Nimbhorkar,
age 30 yrs., occu.service,
r/o NI 503, Balaji Society,
Near Saya Park, Dattawadi,
Kalwa, Old Mumbai-Pune Highway,
Kalwa Dist.Thane.

...Respondent...

.....

Shri M.V. Navandar, Advocate for applicant.
Respondent served.

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CORAM: SUNIL P. DESHMUKH, J.

DATE: 21.03.2017

ORDER :

1] Heard learned counsel for the applicant. He points out that while the Court had issued notice on 22.11.2016, liberty had been given to the applicant to serve notice privately and file an affidavit. According to the learned counsel, private notice was issued on the address

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given in the miscellaneous civil application to the respondent and he has been duly served, which has been acknowledged by the respondent and an affidavit of service accordingly has been filed. It has been further submitted on behalf of the applicant that even a personal notice has been served under a communication dated 4.10.2016, which has been personally received by the respondent. The learned counsel additionally submits that the private notice issued by Registered Post Acknowledgement Due has been served on the respondent as depicted in the affidavit and on three addresses of the respondent and a Purshis has been filed accordingly.

2] The learned counsel points out that two proceedings initiated at the instance of the applicant are pending at Jalgaon, one for maintenance and other under the provisions of the Domestic Violence Act. He submits that distance between Jalgaon and Panvel is about 500 Kms. Additionally, the applicant has to maintain a minor child and the applicant being not placed well economically, so is the case of her parents, it is difficult for her to attend the proceedings at Panvel. Whereas the respondent is stated to be earning about Rs.75,000/- per month.

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3] All the aforesaid contentions, in the absence of the respondent, go uncontested and un-controverted as no appearance is being caused on behalf of the respondent, which may indicate tacit acceptance of request under the MCA. Having regard to above, it would be expedient to grant the miscellaneous civil application.

4] The Miscellaneous Civil Application stands granted in terms of prayer clause [C].

(SUNIL P. DESHMUKH, J.)