

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

MISC.CIVIL APPLICATION NO. 25 OF 2018

**PUNAM ANIL JADHAV
VERSUS
ANIL MADHUKAR JADHAV**

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Advocate for the Applicant : Shri A. P. Ghulepatil

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 03rd SEPTEMBER, 2018.

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PER COURT :

1. The respondent- husband did not appear after service of the notice dated 13/02/2018. Even after the second service of notice for final hearing, none appears for the respondent.

2. The applicant prays for transferring HMP No. 529/2017 filed by the husband at Jalgaon, to the Family Court at Aurangabad. It is pointed out that the applicant was harassed by her husband and was driven out of her marital home. She preferred a petition bearing PWDVA No. 375/2017. The respondent- husband appeared in the matter and thereafter he preferred HMP No. 529/2017 at Jalgaon.

3. The applicant is 24 years of age and is presently at Aurangabad for taking education.

4. She is also prosecuting a case filed at Aurangabad under the Protection of Women from Domestic Violence Act, 2005, in which, the respondent- husband appears.

5. Reliance is placed upon the following judgments of the Honourable Apex Court and of this Court :-

(1) Sumita Singh vs. Kumar Sanjay, AIR 2002 SC 396,

(2) Soma Choudhury vs. Gourab Choudhary (2004) 13 SCC 462,

(3) Mona Aresh Goel Vs. Aresh Satya Goel, AIR 2000 SCW 2652,

(4) Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374 and

(5) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, AIR 2016 SC 3584.

6. As such, the pending proceeding at Jalgaon can be transferred to the Family Court at Aurangabad.

7. In view of the above, the application is allowed in terms of prayer clause-'B' which reads as under :

"(B) HMP No. 529/2017 filed by husband – respondent in the Hon'ble 8th Civil Judge Senior Division at Jalgaon may kindly be transferred to the Hon'ble Family Court Aurangabad to try and decide."

8. The applicant agrees to appear before the Family Court at Aurangabad in the transfer proceeding on 28/09/2018.

9. Notice be issued to the respondent in the said matter as he has failed to appear in these proceedings.

(RAVINDRA V. GHUGE, J.)

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