

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 65 OF 2018

DIVYA @ CHANDRAKALA SANDEEP PATIL
VERSUS
SANDEEP SHANKAR PATIL

...
Advocate for Applicants : Shri Bhokarikar M.M.

...

CORAM : RAVINDRA V. GHUGE, J.

Dated: September 05, 2018

...

PER COURT :-

1. Despite service of Court notice, the respondent has not caused an appearance, either in person or through an Advocate, though the matter was adjourned earlier.

2. The applicant seeks transfer of proceedings in HMP No.192 of 2016 from Dhule to Amalner, which is a distance of about 40 Kms. It is stated that though the distance appears to be very little, the respondent / husband is employed as a Police Officer in the State Reserve Police Force, having his residence at Dhule. The applicant used to be a severely beaten up by the respondent and close relatives. Despite birth of two children, the demand made was of Rs.10,00,000/-. Gold ornaments of the petitioner were taken away. When close relatives of the applicant visited the respondent and his family for settling the dispute, they were threatened stating that the respondent is in the

Police Department and he can do anything if the applicant and her relatives approach them.

3. It is then pointed out that as a Regular Criminal Case No.165 of 2015 filed by the applicant is pending at Dhule, she is likely to move a proceeding for transferring that matter as well. Two matters are pending before the competent Court at Chopda. As there is no Court of the learned Civil Judge S.D. at Chopda, it is prayed that the proceedings initiated by the respondent / husband be transferred to Amalner, though the applicant resides at Chopda.

4. I find that the following judgments assist the case of the applicant and more so when her two children have been retained by the respondent with him and she is said to have been beaten up on several occasions earlier at Dhule, that the case can be transferred to Amalner:-

- (i) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir- [2016 (1) Bom.C.R.250],
- (ii) Soma Choudhuri Vs. Gourab Choudhaury (2004) 13 SCC 462,
- (iii) Anjali Ashok Sadhgwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374
- (iv) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap - 2016 AIR (SC) 3584
- (v) Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber- [2014(1) Mh.L.J. 584],

- (vi) Nilima Vs. Pavansingh - LEX (BOM)2011 9 193 and
- (vii) Shila Nitin Rajure Vs. Nitin Marotiappa Rajure - MCA No.184 of 2017 (Aurangabad Bench), dated 9.1.2018.

5. In view of the above, this application is allowed in terms of prayer clause (B), which reads as under:-

“ The petition for restitution of conjugal rights filed in Court of Hon. Civil Judge, Senior Division, Dhule as HMP No.192/2016 by respondent may kindly be transferred to Court of Hon.3rd Civil Judge, Senior Division, Amalner for further proceeding till its final decision.”

6. The applicant would appear before the concerned Court at Amalner, on 27.9.2018. The concerned Court would issue notice to the respondent, after transfer.

(RAVINDRA V. GHUGE, J.)

...

akl/d

Ajay
Kishanrao
Losarwar

Digitally signed
by Ajay
Kishanrao
Losarwar
Date:
2018.09.06
10:28:51
+0530