

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO.75 OF 2018
(Jyoti w/o Nikhil Pawar Vs. Nikhil Bapurao Pawar)

Mr.N.S.Tekale, Advocate for the applicant.

(CORAM : Ravindra V.Ghugre, J.)

DATE : 22/10/2018

PER COURT :

1. Despite service of Court notice on the respondent/husband, none appears for the past 4 dates.

2. On 03/04/2018, this Court (Coram : V.K.Jadhav, J.) had considered the submissions of the learned Advocate for the applicant and had passed the following order :-

“1. Learned counsel for the applicant-wife submits that the applicant-wife has initiated the proceeding under the provisions of Protection of Women from Domestic Violence Act 2005 and also filed a complaint under Section 498-A of IPC and a crime to that effect has also been registered with Bhoom Police Station, District – Osmanabad. Learned counsel submits that thereafter, the respondent-husband though resident of Khandvi, Tq.Karjat, District Ahmednagar has filed HMP No.21 of 2018 in the Court of Civil Judge, Senior Division, Shrigonda, District Ahmednagar. The applicant-wife has three years old son and it

is not possible for her to travel from Bhoom to Shrigonda to attend the court dates at Shrigonda. There is no other male member in the family to accompany her for attending the Court dates.

2. In view of above, issue notice to the respondent, returnable on 19.06.2018.

3. Till the next date of hearing, the further proceeding in HMP NO.21 of 2018 pending before the learned Civil Judge, Senior Division, Shrigonda, District Ahmednagar is hereby stayed."

3. Reliance is placed upon the following judgments of the Hon'ble Apex Court as well as by this Court, which are as follows :-

- (i) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir- 2016 (1) Bom.C.R.250,
- (ii) Soma Choudhuri Vs. Gourab Choudhuri (2004) 13 SCC 462,
- (iii) Anjali Ashok Sadhwani 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.

4. Considering the above, this application is allowed and HMP No.21/2018 shall stand transferred from the Court of the learned

Civil Judge, Sr.Division, Shrigonda to the Court of the learned Civil Judge, Sr.Division, Bhoom. The applicant shall appear before the Court at Bhoom on 02/11/2018 and shall produce a copy of this order obtained from the official website of the Bombay High Court. The said court may issue notice to the respondent/husband, if he does not appear.

5. Needless to state, the respondent/husband would be at liberty to request the Court at Bhoom to post the said proceedings on the same date, on which the other proceedings initiated by the applicant/wife are scheduled for hearing before the other Courts at Bhoom, for the sake of his convenience in attending these proceedings on a common date.

(Ravindra V.Ghuge, J.)