

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 118 OF 2018

LAXMICHHAYA BHAGYESH JOSHI ALIAS  
LAXMICHHAYA JAGDISH JAKHADI  
VERSUS  
BHAGYESH ARVIND JOSHI

Advocate for Applicant : Mr. S.D. Jayabhar  
h/f. Mr. D.R. Jayabhar.

CORAM : RAVINDRA V. GHUGE, J.  
Dated : 25<sup>th</sup> September, 2018.

PER COURT :

1. The applicant has put forth prayer clause 'C' as under :  
"C) The proceeding bearing No. A-512/2017 pending before the learned Family Court at Nashik may kindly be transferred to the learned Family Court at Ahmednagar for further adjudication as per law and provision."
2. Despite service of Court notice, the respondent husband has not caused an appearance, either in person or through an advocate.

3. The applicant submits that after the marriage was solemnized between the parties on 31/05/2012, the respondent and his family members started torturing the applicant. They started demanding dowry. Eventually, the applicant was driven out of her marital home and she has started residing with her parents at Ahmednagar. Being a lady, she has to travel to Nashik, for attending the proceeding and an adult member of the family has to accompany her. Her father is more than 70 years of age and cannot undertake a journey.

4. Criminal Application No. 1/2018 preferred by the applicant is pending before the learned Judicial Magistrate at Ahmednagar. The father of the applicant is residing in a Vriddha Ashram and is not able to travel to Nashik along with the applicant. The husband attends the Court proceedings at Ahmednagar and if the proceeding No. A-512/2017, is transferred to Ahmednagar, he can attend both the Court proceedings in a single visit.

5. Reliance is placed upon the following judgments to support the prayer for transfer of proceedings :

1. Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap [AIR. 2016 SC 3584]

2. Soma Choudhury Vs. Gourab Choudhary [2004 (13) SCC 462]

3. Mona Aresh Goel Vs. Aresh Satya Goel [AIR 2000 SC 3512 (1)]

4. Sumita Singh Vs. Kumar Sanjay and another [AIR 2002 SC 396]

5. Anjali Ahok Sadhwani Vs. Ashok Kishinchand Sadhwani [AIR 2009 SC 1374]

6. Bhartiben Ravibhai Rav Vs. Ravibhai Govindbhai Rav [2017 (6) SCC 785]

7. Shila Nitin Rajure @ Shila Devrao Vatwale Vs. Nitin Marotiappa Rajure [Order passed by this Court dated 09/01/2018 in MCA No. 174/2017]

8. Ashwini Rahul Mergu Vs. Rahul Balkisan Mergu [Order passed by this Court dated 21/09/2018 in MCA No. 132/2018]

6. I have considered the factors recorded above and have gone through the judgments cited. The respondent husband has not found it fit to participate in the proceedings in this court. As such, taking into account the above fact situation and the crystallized position of law, the application is allowed in terms to prayer clause 'C'.

7. The applicant shall appear before the learned Family Court at Ahmednagar on 12/10/2018. If the husband does not appear

on the said date, the Family Court may issue notice to the husband. Needless to state, the husband would be at liberty to seek the dates of hearing in the Family Court as well as before the learned Judicial Magistrate on a common date so that he can attend both the Court proceedings in a visit to Ahmednagar.

( RAVINDRA V. GHUGE, J. )

S.P.C.