

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

959 MISC.CIVIL APPLICATION NO. 132 OF 2018

ASHWINI RAHUL MERGU
VERSUS
RAHUL BALKISAN MERGU

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Advocate for Applicant : Shri Jayabhar D.R.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: September 21, 2018

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PER COURT :-

1. Despite service of Court notice, no appearance has been entered by the respondent / husband.

2. The applicant has putforth prayer clause (C), which reads as under:-

“(C) The proceeding bearing No. PA-641/2018 pending before the learned Family Court at Pune may kindly be transferred to the learned Family Court at Ahmednagar for further adjudication of the matter as per law and provision.”

3. It is submitted that the applicant is residing with her parents at Ahmednagar after being ill-treated by the respondent and his family and having been driven out of the marital home. She has also preferred Criminal Misc. Application No.338 of 2018 under the Protection of Women from Domestic Violence Act, 2005 at Ahmednagar and the respondent attends the said proceedings at Ahmednagar.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2 - MISC.CIVIL APPLICATION NO. 132 OF 2018

4. It is further contended that if the proceedings initiated by the petitioner can be transferred from Pune to Ahmednagar, the respondent can participate in both these proceedings on a common date in his visit to Ahmednagar.

5. Reliance is placed on the following judgments:-

- (i) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir- [2016 (1) Bom.C.R.250],
- (ii) Soma Choudhuri Vs. Gourab Choudhary (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.

6. Considering the above, this application is allowed in terms of prayer clause (C). The applicant shall appear before the learned Family Court at Ahmednagar on 12.10.2018. If the respondent fails to appear,

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

3- MISC.CIVIL APPLICATION NO. 132 OF 2018

a notice may be issued to cause his appearance.

7. The respondent is at liberty to make a request for posting the family court proceedings as well as the criminal proceedings on the same date at Ahmednagar, so that he can participate in the said proceedings in the same visit to Ahmednagar.

(RAVINDRA V. GHUGE, J.)

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Ajay
Kishanrao
Losarwar

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