

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

MISC.CIVIL APPLICATION NO.167 OF 2018

KAJAL NITIN KALE
VERSUS
NITIN AMBADAS KALE

...
Advocate for the Applicant : Shri S.R.Shirsat h/f Shri Jadhavar Santosh S.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 15th December, 2018

Per Court:

1 While issuing the notice, I had passed an order on
24.10.2018, which reads as under :-

"1 *The applicant wife seeks transfer of HMP No.A-619/2017, filed by the respondent / husband, from the Family Court, Nasik to the court of Civil Judge S.D. Kopargaon.*

2 *The applicant is residing with her parents after being driven out of the marital home. She was harassed and tortured. An adult member of the family has to accompany her to attend the Court proceedings at Nasik.*

3 *Reliance is placed upon the following judgments:-*

(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 *Issue notice to the respondent, returnable on 14.12.2018. Until then the trial Court will adjourn HMP No.A-619/2017.*
- 5 *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 1.11.20018, failing which this application shall stand rejected without reference to the Court on 2.11.2018."*

2 Despite service of court notice on the Respondent, no appearance has been entered on behalf of the Respondent.

3 I have, therefore, considered the submissions of the learned Advocate for the Applicant and have perused the earlier order passed by this Court. I have considered the view expressed by the Honourable Supreme Court and this Court in the judgments cited.

4 Considering the above, this Miscellaneous Civil Application is allowed in terms of prayer clause "B", which reads as under :-

"B) *By issuing appropriate order or direction, proceedings of Hindu Marriage Petition No.A-619/2017 pending in the Family Court, Nasik may kindly be transferred to the Court of Civil Judge, Senior Division, Kopargaon, District Ahmednagar*".

5 The Applicant would appear before the concerned Court after the transfer on 04.01.2019. The concerned Court would issue notice to the Respondent.

kps

(RAVINDRA V. GHUGE, J.)