

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 161 OF 2018

DIPALI SATISH PATIL
VERSUS
SATISH PRAKASHRA PATIL

Advocate for Applicant : Mr. S.M. Mundlik
h/f. Mr. S.S. Deshmukh.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 07th December, 2018

PER COURT :

1. While issuing notice on 09/10/2018, this Court had passed the following order :

“1. The applicant wife seeks transfer of HMP No.311/2018 filed by the respondent / husband, from the 5th Civil Judge S.D.Jalgaon, to the Civil Judge S.D. Nashik.

2. The applicant with her two kids are 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 proceeding at Jalgaon.

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 Harishchandra 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 07.12.2018.*
Until then, the trial Court will adjourn HMP No.311/2018.

5. *Copy of the paper book for issuance of notice shall be*
supplied and all objections shall be removed on/or before
23.10.2018, failing which this application shall stand rejected
without reference to the Court on 24.10.2018.”

2. The court notice has now been served on the respondent. No appearance is entered.

3. In the light of the above and for the reasons recorded in the order dated 09/10/2018, this application is allowed in terms of prayer clause ‘B’ which reads as under :

“The proceedings bearing H.M.P. No.311/2018 presented by the

respondent husband before the Ld. 5th Civil Court Senior Division at Jalgaon may kindly be transferred to competent Court at Nashik; and for that purpose issue necessary directions..”

4. The applicant/wife would appear before the Court at Nashik on 07/01/2019. Notice would be issued to the respondent by the Court, after the transfer of proceedings.

(RAVINDRA V. GHUGE, J.)