

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

MISC.CIVIL APPLICATION NO. 172 OF 2018

DEEPALI MAHESH PANCHAL
VERSUS
MAHESH RAM PANCHAL

...
Advocate for the Applicant : Shri K. S. Patil

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 19th NOVEMBER, 2018.

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PER COURT :

1. Despite service of court notice, the respondent husband has not entered an appearance.

2. While issuing notice on 18/09/2018, this Court had passed the following order :-

"1. The applicant wife prays for transferring HMP No. 09/2017, from the Court of the learned Civil Judge Senior Division, Osmanabad, to the Court of the learned Civil Judge Senior Division, Latur.

2. The applicant is residing with her uncle at

Latur, after having been tortured and driven out of her marital home. She had preferred two cases, one under the Protection of Women from Domestic Violence Act, 2005 and one under Section 125 of the Code of Criminal Procedure, at Latur. The husband attends these proceedings at Latur. The distance between Osmanabad and Latur is about 100 k.m. Since, the applicant is a young lady of 23 years of age, an adult member has to travel with her from Latur to Osmanabad for attending the matter.

2. Reliance is placed upon the following judgments :

- 1) Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap [(2016) 14 SCC 356]*
- 2) Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani [AIR 2009 SC 1374]*
- 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) Soma Choudhury Vs. Gourab Choudhaury*

[2004 (13) SCC 462]

6) *Bhagyashree Ganesh Trimbake Vs. Ganesh Shivling Trimbake*

[Order dated 13/03/2018 passed by this Hon'ble High Court in MCA No. 28/2017]

3. *Issue notice to the respondents, returnable on 19/10/2018. Until further orders, HMP No. 9/2017 shall be adjourned by the learned Court at Osmanabad.*

4. *Copy of the application paper book shall be supplied for issuance of notice on/or before 26/09/2018, failing which the ad interim protection granted earlier shall stand vacated without reference to the Court on 27/09/2018."*

3. Considering the above, this application is allowed in terms of prayer clause "A" which reads as under :-

"Grant this Misc. Civil application and transfer the proceeding bearing H.M.P. No. 09/2017 (Exh.A) from learned Civil Judge, Senior Division, Osmanbad to learned Civil Judge, Senior Division at Latur and for that purpose issue necessary orders."

4. The applicant wife shall appear before the Court at Latur on 07/12/2018. The concerned Court would issue notice to the respondent as he has remained absent in these proceedings.

5. The respondent husband is at liberty to seek a common date in all the cases at Latur so that he can attend the said three cases on common dates when he visits Latur.

6. Since I find that the differences between the parties are not too serious, the concerned Court would refer the proceedings to the mediator for exploring the possibility of saving the marriage.

(RAVINDRA V. GHUGE, J.)

shp/-