

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

MISC.CIVIL APPLICATION NO. 5 OF 2018

**SUSHMA YOGESH PAWAR
VERSUS
YOGESH BHAUSINGH PAWAR**

...
Advocate for the Applicant : Shri P. P. Uttarwar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 24th NOVEMBER, 2018.

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PER COURT :

1. Despite service of court notice, the respondent- husband has not entered an appearance.
2. The applicant prays for transferring HMP No. 506/2017 filed by the husband at Dhule pending before the Ld. Civil Judge Senior Division to the Principal Judge, Family Court at Pune.
3. It is pointed out that the applicant was harassed by her husband and was driven out of her marital home. The Applicant is residing with her sister and brother in law at Pune. One case under Section 498-A of the IPC and another case under the Protection of Women From Domestic Violence Act,

2005, have been filed at Pune. The husband is attending the proceedings at Pune. The respondent- husband has appeared in the matters and thereafter he preferred HMP No. 506/2017 at Dhule.

4. Reliance is placed upon the following judgments of the Honourable Apex Court and of this Court :-

(1) Sumita Singh vs. Kumar Sanjay, AIR 2002 SC 396,

(2) Soma Choudhury vs. Gourab Choudhary (2004) 13 SCC 462,

(3) Mona Aresh Goel Vs. Aresh Satya Goel, AIR 2000 SCW 2652,

(4) Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374 and

(5) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, AIR 2016 SC 3584.

5. As such, the pending proceeding at Dhule can be transferred to the Family Court at Pune.

6. In view of the above, the application is allowed in terms of prayer clause-'A' which reads as under :

"(A) That, the HMP Petition No. 506/2017 seeking restitution of Conjugal rights filed by the non applicant pending before the Civil Judge Senior Division, Dhule may kindly be transferred to The Principal Judge Family Court, Pune."

8. The applicant- wife shall appear before the Principal Judge, Family Court at Pune in the transfer proceeding, on 07/12/2018. Notice be issued by the Family Court to the respondent husband in the said matter as he has failed to appear in these proceedings.

9. Liberty is granted to the husband to pray for listing the said proceedings on common dates with the other two proceedings so that he can attend the three proceedings at Pune on common dates.

(RAVINDRA V. GHUGE, J.)

shp/-