

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO.15497 OF 2018

Mrs.Sanjana @ Vaishali Dipak Pote

..Applicant

vs.

Mr.Deepak Bhimrao Pote

...Respondent

Mr.Amey Deshpande for the Applicant.

CORAM : A. M. DHAVALE, J.

DATE : 17th SEPTEMBER, 2018.

P.C.:

. As per the affidavit of service and acknowledgment of postal department the respondent has been served, but is not appearing.

2. The notice was also sent through bailiff. It is commonly found that the summons is not returned in time and many a times are not returned at all. The Registrar Judicial is directed to see whether the unserved summon has been returned or not and if it is not returned he should make inquiry. Call report of the Principal Judge of the District showing as to why summons are not returned in time and whether there is any extraneous consideration for not serving the summons. The name of the concerned bailiff and the concerned Presiding Officer vested with the work of looking after the service should be intimated to this Court for taking necessary action, if found necessary.

3. Inspite of service, the respondent has not appeared hence, application shall proceed ex-parte.

4. Heard learned advocate. The applicant married to the

opponent on 8/12/2013 at Nasik. They co-habited in Kopargaon. The applicant had no issue out of the said wedlock. The parties separated on 2/7/2016. The wife has filed application bearing Criminal Application No.951/2016 under the Domestic Violence Act before the learned Judicial Magistrate First Class, Nashik. The said Application has been allowed and recovery proceeding is pending in Nasik Court.

5. The husband has filed H.M.P. No.135/2016 before the learned Civil Judge, Senior Division, Kopargaon. He is serving as a driver and earning Rs.10,000/-p.m. He was directed to pay alimony @ 1,200/- p.m. to the applicant. It is complaint of the applicant that he is not paying any amount. The opponent has not appeared to rebut the allegations against him.

6. Hence, the application is allowed. H.M.P. No.135/2016 is transferred to the Family Court, Nasik. The parties are directed to remain present in the Nasik Court on 8/10/2018. The Superintendent, Kopargaon shall see that the Record and Proceedings reaches the Family Court, Nashik before 8/10/2018. The Application stands disposed of.

(A. M. DHAVAL, J.)