

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

MISC. CIVIL APPLICATION NO. 76 OF 2018

Asmita Ramesh Kalshetty

... **Applicant**

V/s.

Ramesh Mahadev Kalshetti

... **Respondent**

Mr. Murlidhar Kale for the Applicant.
None for the Respondent.

CORAM : A.M.DHAVAL, J.
DATE : 4th SEPTEMBER, 2018

P.C.:

1 The learned Counsel for the Appellant points out that there is service through bailiff on the Respondent. It is verified and found correct. In spite of service, the Respondent is absent. Hence, matter to be proceeded ex-parte against him. This Application under Section 24 of the CPC has proceeded ex-parte against the husband Respondent.

1. 2 The parties married to each other on 19.05.2005 at Jalkot, Taluka Tuljapur, District Osmanabad. The Applicant Asmita gave birth to a son on 05.09.2008 and a daughter in 2012. She has complained that there were instances of physical torture and domestic violence for which she has filed proceeding of D.V. Act before the Court of Judicial Magistrate First Class,

Wadgaon, Taluka Maval, District Pune. After the birth of daughter, she has gone to matrimonial house and she was driven out. She is residing with her two children with her parents at Dehu Road, Pune. Her husband is a farmer residing at Jalkot, Taluka Tuljapur. Considering the fact, I rely on the judgment of the Supreme Court in the matter of ***Sumita Singh V/s. Kumar Sanjay, reported in AIR 2002 SC 396*** to hold that convenience of wife is required to be looked at. Hence, the application deserves to be allowed.

3 Miscellaneous Application No. 76 of 2018 is allowed.

4 H.M.P. No. 150 of 2016 filed by the husband-respondent in the Court of Civil Judge, Senior Division at Osmanabad is hereby transferred to the Court of Civil Judge, Senior Division at Pune.

5 The parties are directed to remain present in the Court of Civil Judge, Senior Division at Pune on 05.10.2018.

6 The Superintendent of the court of Civil Judge, Senior Division at Osmanabad shall forward the record to the Court of Civil Judge, Senior Division at Pune at the earliest.

7 Applicant to give intimation about this order to the Respondent.

8 Miscellaneous Civil Application stands disposed of accordingly.

(A.M.DHAVAL, J.)

