

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

935 MISC.CIVIL APPLICATION NO.8 OF 2019

BHAGYASHRI SWAPNIL TAYADE
VERSUS
SWAPNIL ASHOK TAYADE

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Advocate for Applicant : Shri Kale Yogesh D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 30, 2019

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PER COURT :-

1. Despite service of court notice, no appearance has been entered by the husband.

2. On 16.1.2019, I had passed the following order:-

" 1. The applicant wife seeks transfer of HMP No. 96/2018, filed by the respondent/husband, from the Civil Judge Senior Division, Malkapur, to the Family Court, Aurangabad.

2. The applicant is residing with her parents at Aurangabad, after being driven out of the marital home. She was harassed and tortured. One over night journey is required to attend the proceedings and an adult member of the family has to accompany her to attend the Court Proceedings at Malkapur.

3. Reliance is placed upon the following judgments :

- (i) *Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap, 2016 AIR (SC) 3584,*
- (ii) *Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadwani, AIR 2009 SC 1374,*
- (iii) *Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber, 2014 (1) Mh.L.J. 584,*
- (iv) *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 22.02.2019. Until then, the Civil Judge Senior Division, Malkapur, will adjourn HMP No. 96/2018.*

5. *Copy of the paper book for issuance of notice shall be supplied on/or before 22/01/2019, failing which this application shall stand dismissed without reference to the Court on 23/01/2019.*

6. *All objections to be removed on/or before 31/01/2019, failing which this application shall stand dismissed without reference to the Court on 01/02/2019."*

3. The applicant submits that she has preferred a proceeding under the Protection of Women from Domestic Violence Act, 2005 at Aurangabad and the husband attends the said proceeding.

4. Considering the above, this application is allowed. HMP No.96 of 2018 shall stand transferred from the Court of the learned Civil

Judge S.D. Malakapur to the Family Court at Aurangabad. The applicant shall appear in the said proceeding at Aurangabad on 17.6.2019. The respondent / husband is at liberty to pray for common dates of hearing in the matters at Aurangabad so as to enable the respondent to attend the proceedings in his common visit.

(RAVINDRA V. GHUGE, J.)

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akl/d