

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.16 OF 2019
(Vaishali Gokul Gaware Vs. Gokul Kashinath Gaware)

Mr.A.S.Savale, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 17/07/2019

PER COURT :

1. The office report indicates that the respondent/husband refused to accept the Court notice. The name of the respondent was pronounced in the open Court to find out whether he is present in the Court. However, none has responded.

2. On 23/01/2019, I had passed the following order :-

"1. The applicant - wife prays that the Hindu Marriage Petition No. A-294/2016 filed before the Principal Judge, Family Court, Nashik, be transferred to the Court of the Principal Judge, Family Court, Dhule.

2. It is submitted that after the marriage was solemnized on 15/05/2011, a son was born out of their wedlock. It is alleged that she was harassed and treated cruelly by the respondent. She was finally driven out of her home. She has started residing with her parents alongwith her 6 years old son at Dhule. She has to undertake two nights' journey. One

proceeding under Section 498-A of the IPC and a proceeding under Section 125 of the Cr.P.C. are pending at Dhule. The respondent-husband attends both the proceedings at Dhule.

3. *Reliance is placed upon the following judgments:*

(i) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir 2016 (1) Bom.C.R.250,

(ii) Soma Choudhuri Vs. Gourab Choudhuri (2004) 13 SCC 462,

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

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

(v) Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber [2014(1) Mh.L.J. 584],

(vi) Nilima Vs. Pavansingh LEX (BOM)2011 9 193 and

(vii) Shila Nitin Rajure Vs. Nitin Marotiappa Rajure MCA No.184 of 2017 (Aurangabad Bench), dated 9.1.2018,

(viii) Mona Aresh Goel Vs. Aresh Satya Goel, 2000 (39) AIR 377.

4. *It is submitted that recently an order of granting Rs.500/- towards travelling expenses has been passed in one of the proceeding. The applicant does not desire to avail of the same as it is a paltry amount and she prefers to seek a transfer of proceeding. She will file a purshis before the Trial Court declaring that she does not desire to accept the travelling expenses.*

5. *Issue notice to the respondent, returnable on 08/03/2019. In the meanwhile, the Trial Court shall adjourn Hindu Marriage Petition No. A-294/2016.*

6. *Copy for serving the respondent shall be supplied and all the office objections shall be removed on or before 01/02/2019, failing which this application shall stand dismissed without reference to the Court on 02/02/2019.”*

3. Considering the above, this application is allowed in terms of prayer clause “A” and HMP No.A-294/20916 shall stand transferred from the learned Principal Judge, Family Court, Nasik to the learned Principal Judge, Family Court, Dhule. The applicant shall appear before the learned Family Court at Dhule on 23/07/2019.

4. The respondent is at liberty to seek common dates in the matters between the parties pending before the learned Courts at Dhule, so as to enable him to participate in the proceedings in his common visits.

(Ravindra V.Ghuge, J.)