

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 25 OF 2019

Chetana Rajendra Bhambre ...Applicant

Versus

Rajendra Divan Bhambre ...Respondent

.....
Mr. U.S.Patil, Advocate for the Applicant.
.....

CORAM : RAVINDRA V. GHUGE, J.
DATE : 05-08-2019.

PER COURT :

01. On 6.2.2019, I had passed the following Order;

1. The applicant / wife seeks transfer of HMP 575 of 2018 from the Court of Civil Judge S.D. Dhule to the Court of the Civil Judge S.D. Chalisgaon, filed by the respondent / husband.

2. The applicant is residing with her parents after being driven out of the marital home. She was harassed and tortured. Two children are born out of the said wedlock, one is a girl child and one is a male child. There were demands for dowry. The respondent presently resides at Chalisgaon, but the proceedings are filed at Dhule indicating that

his address is at Chalisgaon. The wife has filed three proceedings at Chalisgaon, one under the D.V. Act, one under Section 498-A of the Indian Penal Code and one under Section 125 Code of Criminal Procedure. The husband attends the same. An adult member of the family has to accompany her to attend the Court 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

4. Issue notice to the respondent, returnable on 22.3.2019. Until then, the trial Court will adjourn HMP No. 575 of 2018.

5. Copy of the paper book for issuance of notice to the other side is tendered in the Court and it is taken on record.

02. The respondent was served with Court notice in March 2019. The matter has been listed today after two adjournments. No appearance has been entered by the respondent husband in this proceeding.

03. As such, this application is allowed in terms of prayer clause B H.M.P. No. 575/2018 shall stand

transferred to the Court of the learned Civil Judge, Senior Division, Chalisgaon. The applicant agrees to appear before the Court at Chalisgaon in the transferred matter on 20.9.2019. There are 3 matters preferred by the applicant, which are pending before the Courts at Chalisgaon and the respondent husband is attending the said proceeding. As such, the concerned Court is at liberty to issue notice to the respondent husband in the transfer matter.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-