

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.29 OF 2019
(Sushma w/o Satish Yewale Vs. Satish Maruti Yewale)

Mr.Ajay Shinde h/f Mr.A.S.Kadam, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 09/04/2019

PER COURT :

1. The respondent/husband has been served by paper publication. Yet no appearance is entered by him.

2. On 11/02/2019, I had passed the following order :-

“1 The applicant / wife seeks transfer of HMP No.493 of 2018 from the Court of Civil Judge S.D. Pune to the Court of Civil Judge S.D. Ambajogai. , filed by the respondent / husband.

2. It is contended that after one month of marriage, which took place in 2016, she was being harassed. She noticed illicit relations of the respondent with a lady by name Punam Gavhane. Cases u/s 498 A and other sections have been filed. FIR has been registered. A Cr. Misc. Application under the Protection of Women from Domestic Violence Act, 2005 has also been filed, which the husband is attending. It is further contended that the distance between Ambajogai to Pune is about 400 kms. and it requires two over night journeys. An adult member has to accompany her. The applicant is residing with her

parents after being driven out of the marital home.

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.

4 Issue notice to the respondent, returnable on 22.3.2019.

5 Since the applicant was unable to serve the respondent as the Post and Communication Department indicates that the item sent by Speed Post is kept on hold, the applicant agrees to serve the respondent by substituted service in Daily Loksatta, Pune edition. As such, the notice would be published in the said news paper atleast 15 days prior to the returnable date in this matter and a copy of the news paper publication shall be placed on record.

6 Until the returnable date the trial Court will adjourn HMP No.493 of 2018.

7 Copy of the paper book for issuance of notice has been tendered in the Court. It is accepted.”

3. For the reasons set out in the above reproduced order, this application is allowed. HMP No.493/2018 stands transferred to the Court of the learned Civil Judge, Sr.Dn. Ambajogai. The applicant/ wife shall appear before the Court, to which the proceeding is transferred, on 18/04/2019 since that is the date scheduled in the other proceedings between the parties.

4. The husband is at liberty to request the concerned Courts at Ambajogai to grant common dates in all these matters so that he can participate in the said proceedings in his common visits to Ambajogai.

(Ravindra V.Ghuge, J.)