

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.33 OF 2019
(Sonam w/o Sushil Khonde Vs. Sushil s/o Sonu Khonde)

Mr.Shaikh Mohammad Naseer, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 26/04/2019

PER COURT :

1. Despite service of Court notice, no appearance has been entered on behalf of the respondent/husband.

2. While issuing notice on 11/03/2019, I had passed the following order :-

"1. Leave to amend prayer clause. Amendment be carried out forthwith.

2. The applicant / wife seeks transfer of HMPA No. 2734 of 2018, filed by the respondent / husband, from the Family Court at Bandra to the Court of Civil Judge S.D., Jalagaon.

3. The applicant is residing with her parents after being driven out of the marital home. She was harassed and tortured. An adult member of the family has to accompany her to attend the Court proceedings at Bandra.

4. *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.*

5. *Issue notice to the respondent, returnable on 26.4.2019. Until then, the trial Court will adjourn HMPA No. 2734 of 2018.*

6. *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 15.3.2019, failing which this application shall stand rejected without reference to the Court on 16.3.2019.”*

3. It is submitted by the applicant that the distance between Jalgaon and Bandra is 400 kms, requiring 2 overnight journeys. The applicant has filed 1 proceeding before the Grievance Committee u/s 498-A of the IPC, at Jalgaon.

4. Considering the above, this application is allowed and HMP-A No.2734/2018 shall stand transferred from the Family Court, Bandra to the Family Court at Jalgaon. The applicant/wife shall appear before the Family Court at Jalgaon on 03/06/2019. Notice would be issued by the said Court to the respondent.

(Ravindra V.Ghuge, J.)