

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO.52 OF 2019

JYOTI GORAKH PURI
VERSUS
GORAKH LAXMAN PURI

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Advocate for the Applicant : Shri A.S.Mirajgaonkar h/f Shri Dharurkar
Chaitanya V.

...

CORAM: RAVINDRA V. GHUGE, J.
DATE :- 04th June, 2019

Per Court:

1 Despite service of court notice, the respondent/ husband has failed to appear either in person or through an advocate.

2 On 06.03.2019, this Court had passed the following order :-

- "1. Leave to amend prayer clause B. Amendment be carried out forthwith.
2. The applicant wife prays for transferring HMP No. 748/2018 from the Court of the learned Civil Judge Senior Division, Kalyan to the Family Court at Aurangabad.
3. Grievance is that though the marriage was solemnized on 27/05/2005, due to constant harassment and torture, the applicant was made to suffer. Dowry was being demanded. On 15/08/2008, she was administered a liquid which created a medical emergency. Finally, she was driven out of her marital home and she returned to her parents home at Sillod. Litigation commenced and though there was a settlement, the respondent initiated fresh proceedings for seeking divorce on 24/04/2018.
4. The applicant has a girl child born out of

the said marriage, who is residing with her. Distance between Kalyan and Sillod is 380 kms. and would require two overnight journeys to attend the proceeding.

5. *Reliance is placed upon the following judgments:-*

- 1) *Sayali Swapnil Kuber Vs. Swapni Harischandra Kuber [2014 (1) Mh.L.J. 584],*
- 2) *Irene Blanch Khera and Ors. Vs. Glenn John Vijay, [2018 (6) Mh.L.J. 199],*
- 3) *Soma Choudhury Vs. Gourab Choudhury [2004 (13) SCC 462],*
- 4) *Virender Kumar Rai and others Vs. Union of India and others, [(2004) 13 Supreme Court Cases 463].*

6. *Issue notice to the respondent, returnable on 12/04/2019. Until then, the learned Civil Judge Senior Division, Kalyan shall adjourn the proceedings.*

7. *Copy of the petition paper book shall be supplied on or before 13/03/2019, for issuance of notice, failing which this application shall stand rejected without reference to the Court on 14/03/2019."*

3 In view of the above, this Miscellaneous Civil Application is allowed in terms of prayer clause "B" and Marriage Petition No.748/2018 shall stand transferred from the court of the learned Civil Judge, Senior Division, Kalyan to the learned Family Court at Aurangabad.

4 The applicant/ wife shall appear before the concerned court at Aurangabad on 12.07.2019. Notice to the respondent/ husband can be issued by the said court for causing his appearance.