

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

MISC.CIVIL APPLICATION NO.37 OF 2019

SHUBHADA SAGAR SHEDBALE
VERSUS
SAGAR JAYKUMAR SHEDBALE

...

Advocate for the Applicant : Shri Tungar Hrishikesh V.

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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 25.02.2019, this Court had passed the following order :-

"1 *The applicant / wife seeks transfer of HMP No.4 of 2019, filed by the respondent / husband, from the court of the Civil Judge S.D. Pandharpur to the court of the Civil Judge S.D. Beed.*

2 *The applicant is residing with her parents after being driven out of the marital home. She was harassed and tortured after a year of marriage. The Husband demanded Rs.5,00,000/- by way of dowry. Out of the said wedlock a girl child is born, who is about 2 years. She has to undergo a medical treatment. An adult member of the family has to accompany her to attend the Court proceedings at Pandharpur, which is about 200 kms. from Beed. It is further submitted that a case u/s 498A of the IPC has been registered at Beed.*

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 *The applicant has served the respondent by Speed Post A.D. which is reflected from the tracking report placed on record. No appearance is entered.*
5 *Issue notice to the respondent, returnable on 5.4.2019. Until then, the trial Court will adjourn HMP No. 4 of 2019.*
6 *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 11.3.2019, failing which this application shall stand rejected without reference to the Court on 12.3.2019."*

3 In view of the above, this Miscellaneous Civil Application is allowed in terms of prayer clause "B" and Hindu Marriage Petition No.4/2019 shall stand transferred from the court of the learned Civil Judge, Senior Division, Pandharpur to the court of the learned Civil Judge, Senior Division at Beed.

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