

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

MISC.CIVIL APPLICATION NO.45 OF 2019

VANITA DEEPAK SABNANI @ VANITA HIRALAL KAKODIA
VERSUS
DEEPAK NARAYANDAS SABNANI

...
Advocate for the Applicant : Shri Mirajgaonkar h/f Shri Amit S. Savale
...

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 *The applicant prays for transferring HMP No.E-686/2018 from the Family Court at Pune to the Family Court at Dhule.*

2 *It is submitted that, this is a second marriage of both the litigants. They have children from their earlier marriages. On account of atrocities committed and the unnatural behavior of the respondent-husband, the applicant was forced to leave her matrimonial home and is presently residing with her parents at Dhule along with her daughter from the first marriage. Distance between Dhule and Pune is 370 Kilometers, requiring two over- night journeys and an adult member of the family has to accompany her.*

3 *Reliance is placed on the following Judgments:-*

(i) *Krutika Ritesh Arya versus Ritesh Laxman Arya (2016 (5) LL MR 37)*

(ii) *Tejalbeen versus Mihirbhai Bharatbhai Kothari*

- (2016 ALL SCR 1666)
- (iii) *Sau Snehal Omprakash Kothekar versus Shri Omprakash Domaji Kothekar (2014 (1) ALL MR 297*
 - (iv) *Mrs. Jayshree w/o Parmeshwar Patil versus Parmeshwar alias Ghyanshyam s/o Pitambar Patil (2013 (3) ALL MR 578).*
 - (v) *Sandhya Rajaram Lokhande versus Rajaram Ganu Lokhande (2013 (2) ALL MR 293)*
 - (vi) *Vijaya w/o Praveenkumar Badadapure versus Praveenkumar Rajkumar Badadapur (MCA No.51/2016 decided on 21.11.2016 by High Court, Bombay, bench at Aurangabad).*
- 4 *Issue notice to respondents returnable on 12.4.2019. Until then, the Family Court at Pune will adjourn HMP No.E-686/2018.*
- 5 *Copy for issuance of notice shall be supplied and office objections shall be removed, on or before 13.3.2019 failing which this application shall stand dismissed without reference to the Court on 14.3.2019."*

3 In view of the above, this Miscellaneous Civil Application is allowed in terms of prayer clause "A" and Hindu Marriage Petition No.E-686/2018 shall stand transferred from the learned Family Court, Pune to the court of the learned Civil Judge, Senior Division, Dhule.

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