

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.58 OF 2019
(Savita @ Ashwini w/o Subhas Datir Vs. Subhas s/o Vitthal Datir)

Mr.N.T.Tribhuwan, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 26/04/2019

PER COURT :

1. Despite service of court notice, the respondent has not entered an appearance.

2. on 19/03/2019, I had issued notice to the respondent by passing the following order :-

“1. The applicant / wife seeks transfer of HMP No.340 of 2018, filed by the respondent / husband, from the court of the learned Civil Judge S.D. Sangamner, to the court of the learned Civil Judge S.D. Aurangabad.

2. It is contended that the applicant was ill-treated and driven out of the marital home. The respondent commented by saying that the applicant should go anywhere or commit suicide. Two proceedings are initiated in the courts at Paithan and the respondent is attending the said proceedings. A son born out of the marriage is residing with the applicant. An adult member of the family has to accompany her to attend the Court proceedings at Sangamner and return to Paithan, which

is to and fro journey of around 300 kms.

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. *Issue notice to the respondent, returnable on 26.4.2019. Until then, the trial Court will adjourn HMP No. 340 of 2018.*

5. *Copy of the paper book for issuance of notice shall be supplied on/or before 27.3.2019, failing which this application shall stand rejected without reference to the Court on 28.3.2019.”*

3. The applicant has filed a police complaint with the Paithan Police Station u/s 498 of the IPC and the matter has now been registered with the Court of criminal jurisdiction and the police has filed a charge sheet in the matter. Similarly, the applicant has filed criminal M.A. No.583/2016 before the court at Paithan u/s 125 of the Cr.P.C. The husband attends both the proceedings.

4. In view of the above, this application is allowed. HMP No.340/2018 shall stand transferred from the Court of the learned Civil Judge, Sr.Dn.Sangamner to the Court of the learned Civil Judge,

Sr.Dn. Aurangabad. The applicant shall appear before the Court on 03/06/2019 and notice would be issued to the respondent in the said matter.

(Ravindra V.Ghuge, J.)