

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.94 OF 2019

MEGHA DEVIDAS SONAWANE
VERSUS
DEVIDAS SHRAVAN SONAWANE

...

Advocate for Applicant : Shri Shejwal Arun S.

...

CORAM : RAVINDRA V. GHUGE, J.

Dated: September 20, 2019

...

PER COURT :-

1. The respondent has been served by paper publication in Dainik Pudhari, Pune Edition, dated 17.8.2019, copy of which is placed on record today, along with an affidavit dated 27.8.2019. The returnable date was 30.8.2019. No appearance was caused by the respondent. The matter was adjourned to this date. The name of the respondent was pronounced in the open Court. Yet, nobody came forward to cause an appearance.

2. On 12.6.2019, I had passed the following order:-

"1. The applicant wife prays for transferring Marriage Petition No. 358/2018 pending before the learned Civil Judge Senior Division at Pune to the learned Family Court at Aurangabad.

2. It is submitted that the distance between Pune and Aurangabad is about 240 kms. An offence has been registered against the respondent with the MIDC Police Station at Aurangabad. The applicant has preferred a proceeding under Section 12 of the Protection of Women From Domestic Violence Act, 2005 at Aurangabad and the husband participates in the said proceeding. A child born out of the marriage is residing with the applicant. An offence for attempting to kidnap the child from the School and take away the child from the custody of the applicant has been registered against the respondent in June 2018. A further attempt was made by the respondent to take away the child from the parental house of the applicant by abusing the mother of the applicant, is a subject matter of an FIR vide Crime No. 275/2018 registered at Aurangabad.

3. The learned Advocate for the applicant has placed on record a copy of the 'case details' pertaining to the proceeding initiated by the respondent/husband in 2014 at Pune. Same is marked as 'X' for identification which indicates that notice has not even been issued in the said proceedings.

4. The learned Advocate for the applicant further points out that the applicant was assaulted in Pune in 2015.

5. Reliance is placed upon the following judgments:-

- 1) Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap [(2016) 14 SCC 356]
- 2) Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani [AIR 2009 SC 1374]

- 3) *Mona Aresh Goel Vs. Aresh Satya Goel*
[AIR 2000 SC 3512 (1)]
- 4) *Sumita Singh Vs. Kumar Sanjay and Another*
[AIR 2002 SC 396]
- 5) *Soma Choudhury Vs. Gourab Choudhury*
[2004 (13) SCC 462]
- 6) *Bhagyashree Ganesh Trimbake Vs. Ganesh Shivling Trimbake* [Order dated 13/03/2018 passed by this Hon'ble High Court in MCA No. 28/2017].

6. *Issue notice to the respondent, returnable on 26/07/2019. Until further orders, the Trial Court would adjourn Marriage Petition No. 358/2018.*

7. *Copy of the application paper book, for issuance of notice, is supplied and the same is taken on record."*

3. In view of the above, this application is allowed in terms of prayer clause (B), which reads as under:-

"(B) Be pleased to transfer Marriage Application No.358/2014 pending before the Civil Judge Senior Division at Pune to the Civil Judge Senior Division / Family Court at Aurangabad."

4. The applicant shall appear before the learned Family Court, Aurangabad, after the transfer of the matter, on 11.10.2019. The

learned Family Court shall issue notice to the respondent /
husband, who is the original applicant.

(RAVINDRA V. GHUGE, J.)

...

akl/d