

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
MISC. CIVIL APPLICATION NO.109 OF 2019

Sau. Jayashree w/o Dhavaldeep Gawali
@ Jayashree d/o Dhondiba Yadbole (Gawali) Applicant

Versus

Dhavaldeep s/o Ram Gawali Respondent

Mr.H.V.Tungar, advocate for the applicant.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 29th August, 2019

PER COURT:

1 On 02.05.2019, I had heard the learned advocate for the applicant and passed the following order:

“1 The applicant wife prays for transferring HMP No.46/2019 from the Court of the learned Civil Judge, Senior Division, Aurangabad to the Court of the learned Civil Judge, Senior Division, Dhule.

2 He submitted that the applicant, after having been harassed and driven out of her marital home has preferred HMP No. 100/2019 seeking Restitution of Conjugal Rights, Criminal

M.A. No.257/2019 under Section 125 of the Cr.P.C. and Criminal M.A. No.298/19 invoking Sections 406, 498-A, 323, 504 and 506 and 34 of the Indian Penal Code, before the Court at Dhule. Presently she is residing with her parents at Narvhal, Taluka and District Dhule which is about 150 km. from Aurangabad.

3 Reliance is placed on 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 200 SC 3512 (1)]

4) Sumita Singh Vs. Kumar Sanjay and Another [AIR 2002 SC 396]

5) Soma Choudhury Vs. Gourab Choudhaury [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].

4 Issue notice to the respondent, returnable on 28/06/2019. Until then, the Trial Court would adjourn HMP No.46/2019.

5 Copy of the application paper book, for issuance of notice, shall be supplied and all office objections shall be removed on or before 10/05/2019.

2 Despite the service of the Court notice, none appears for the Respondent. The name of the Respondent was pronounced in the Court Hall. However, none has come forward to cause his appearance.

3 In view of the above, this application is allowed in terms of prayer clause (B). HMP No.46 of 2019 shall stand transferred from the Court of the learned Civil Judge, Senior Division, Aurangabad to the Court of the learned Civil Judge, Senior Division, Dhule.

4 The Applicant shall appear in the said matter at Dhule on 27.09.2019. The concerned Court shall issue notice to secure the

presence of the Respondent-husband. Liberty is granted to the Respondent-husband to seek common dates in all the matters so as to participate in all the cases in his common visits.

RAVINDRA V. GHUGE
JUDGE

adb/