

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.126 OF 2019

AMRUTA GANESH KAILKAR
VERSUS
GANESH BANSI KAILKAR

Mr.H.S.Vaidya, Advocate for the applicant.

Mr.N.D.Sonawane h/f Mr.K.B.Jadhav, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 05/11/2019

PER COURT :

1. I have heard the learned Advocates for the respective sides.

2. This Court had passed the following order on 30/09/2019 :-

“1 *The applicant/ wife prays for transferring HMP No.A-400/2018 from the learned Family Court, Aurangabad to the court of the learned Civil Judge, Senior Division, Shrigonda.*

2 *The applicant has filed the proceeding under Section 125 of the Code of Criminal Procedure at Shrigonda and the respondent/ husband is appearing in the said proceeding. The distance between Aurangabad and Shrigonda is about 180 kilometers. Being a lady, an adult member of the family has to accompany her.*

3 *Reliance is placed upon the following judgments :-*

(a) *Sumita Singh vs. Kumar Sanjay, (2001) 10 SCC
41 : AIR 2002 SC 396.*

- (b) *Mahadevi Mehtre vs. Gopal*, 2015 (5) AIR Bom. 250.
- (c) *Mona Aresh Goel vs. Aresh Satya Goel*, 2000 (9) SCC 255 : AIR 2000 SCW 2652.
- (d) *Ravinder Kaur vs. Hitinder Singh*, AIR 2000 SC 3403 (2).
- (e) *Rena Gautam vs. Vinod Gautam*, AIR 2000 SC 3405 (1).
- (f) *Soma Choudhury vs. Gourab Choudhaury* (2004) 13 SCC 462.
- (g) *Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadwani*, AIR 2009 SC 1374.
- (h) *Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap*, AIR 2016 SC 3584.
- (i) *Reena Mehra vs. Rohit Rai Mehra*, AIR 2003 SC 1002.
- (j) *Rakhi Banerjee vs. Subhankar Mukherje*, AIR 2009 SC 928.
- (k) *T.Gayatri Devi vs. Tallepaneni Sreekanth*, 2013 (6) Bom. C.R. 119 (Supreme Court).
- (l) *Anita Balkrishna Barge vs. Balkrishna Sopan Barge*, 2011 (3) Bom. C.R. 866 (Aurangabad Bench).
- (m) *Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil*, 2013 (5) Bom.C.R. 694 (Aurangabad Bench).
- (n) *Kalpana Pankaj Rozatkar vs. Pankaj Supadu Rozatkar*, 2013 (6) Bom.C.R. 161 (Aurangabad

Bench).

(o) *Sayali Swapnil Kuber vs. Swapnil Harischandra Kuber, 2014 (1) Mh.L.J. 584 (Nagpur Bench).*

4 *Issue notice to the Respondent returnable on 05.11.2019.*

5 *Till then, the concerned Court shall adjourn HMP No.A-400/2018.*

6 *The copy of the application memo for issuance of notice shall be supplied on or before 23.09.2019, failing which, this application shall stand rejected without reference to the Court on 24.09.2019.”*

3. The learned Advocate for the respondent/husband relies upon the affidavit in reply and points out from paragraph No.7 that this application could be allowed subject to accepting the request of the husband to have all the matters at Shrigonda to be listed on common dates so that the husband can participate in all the proceedings in his common visits. The learned Advocate for the applicant/wife consents.

4. This application is therefore allowed. HMP No.A-400/2018 shall stand transferred from the learned Family Court, Aurangabad to the Court of the learned Civil Judge, S.D.Shrigonda. The litigating sides shall appear before the learned Civil Judge, S.D.Shrigonda on

23/11/2019, on which date some other proceedings have been posted at Shrigonda. The request of the husband that the matters now at Shrigonda, be listed on common dates, is accepted. The husband would therefore participate in the said proceedings in his common visits.

(Ravindra V.Ghuge, J.)