

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.111 OF 2019

VANDANA PRASHANT SURYAWANSHI

VERSUS

PRASHANT BHATU SURYAWANSHI

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Advocate for Applicant : Ms.Kazi Sabahat T.

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 3rd December, 2019.

PER COURT :-

1. Despite service of notice on the respondent – husband, no appearance is entered either in person or through an Advocate.

2. On 11/06/2019, I had passed the following order:-

“1. The applicant-wife prays for transferring H.M.P. No.304/2018 from the Court of the learned Civil Judge (S.D.), Aurangabad, to the Court of the learned Civil Judge (SeniorDivision), Dhule. It is submitted that the respondent-husband has initiated Criminal Appeal No. 22/2016 before

the learned Sessions Judge at Dhule and Civil Appeal No. 70/2019 before the learned District Judge at Dhule. The distance between Dhule and Aurangabad is about 150 Kms. The applicant is presently residing with her parents and an adult member of the family has to travel alongwith her to Aurangabad. The respondent-husband is already attending the proceedings at Dhule.

2. Reliance is placed upon the following judgments :-

(I) Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374,

(ii) Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber, [2014 (1) Mh.L.J. 584],

(iii) Soma Choudhury vs. Gourab Choudhary, (2004) 13 SCC 462,

(iv) Sumita Singh vs. Kumar Sanjay, AIR 2002 SC 396,

(v) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir, 2016 (1) LJSOFT (SC) 11,

(vi) Mona Aresh Goel Vs. Aresh Satya

Goel, AIR 2000 SCW 2652,

(vii) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, AIR 2016 SC 3584.

3. Issue notice to the respondent, returnable on 19th July, 2019. Until then, the Trial Court would adjourn H.M.P. No.304/2018.

4. The applicant shall supply a copy of the application-paper book for issuance of notice, on or before 20th June, 2019, failing which, this application shall stand rejected on 21st June, 2019, without reference to the Court."

3. It is settled law that in such matters of transfer, the convenience of the parties have to be considered. The husband has not appeared before this Court in the said proceedings. For the reasons cited by the applicant, I find that she would be required to travel 150 kilometers to attend the proceedings at Aurangabad.

4. In view of the above, this application is allowed. H.M.P. No.304/2018 shall stand transferred to

the Court of Civil Judge, Senior Division, Dhule. The applicant would appear before the said Court on 20/12/2019. Notice shall be issued to the respondent.

(RAVINDRA V. GHUGE, J.)

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