

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.137 OF 2019

ARCHANA HARSHAL WANKHEDE
VERSUS
HARSHAL DADARAO WANKHEDE

Mr.S.R.Patil, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 11/12/2019

PER COURT :

1. The respondent has been served by Court notice. Since no appearance has been entered, his name is pronounced in the open Court. There was no response.

2. On 12/07/2019, I had passed the following order :-

“1. The applicant/wife prays for transferring Petition No.A-74/2019 from the learned Family Court at Nasik to the learned Family Court at Jalgaon. The applicant is presently residing with her parents at Jalgaon. She has instituted 3 proceedings u/s 125 of the Cr.P.C., u/s 12 of the Protection of Women from Domestic Violence Act and Section 498-A of the IPC at Jalgaon. Distance is more than 200 kms.

2. It is further pointed out that the husband had initially

moved HMP No.523/2017 seeking restitution of conjugal rights. That proceeding was also transferred under the orders of this Court, to Jalgaon. By judgment dated 01/02/2018, the said proceedings were disposed off and the applicant/wife was directed to resume co-habitation with the petitioner since she was agreeable. It is thereafter that the husband has filed the present proceeding at Nasik.

3. *Issue notice to the respondent, returnable on 26/08/2019. Until further orders, Petition No.A-74/2019 shall stand stayed.*

4. *Copy of the application paper book shall be supplied for issuance of notice on or before 23/07/2019, failing which, this petition shall stand dismissed on 24/07/2019 without reference to the Court."*

3. I find that the following judicial pronouncements would be applicable to the case in hand :-

(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. As the respondent has not appeared and has not made out a case of manifest inconvenience or hardships, this application is allowed and petition No.A-74/2019 stands transferred from the learned Family Court, Nasik to the learned Family Court at Jalgaon.

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The applicant shall appear before the Family Court at Jalgaon on
03/01/2020.

(Ravindra V.Ghuge, J.)