

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.152 OF 2018
(Deepali w/o Arjun Khairnar Vs. Arjun s/o Bhaskar Khairnar)

Mr.M.B.Sandanshiv, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 22/01/2019

PER COURT :

1. The learned Advocate for the applicant places on record a copy of the tracking report obtained from the Department of Posts, Ministry of Communications, Government of India to indicate that notice has been served upon the respondent by Speed Post A.D. on 15/01/2019. The said copy is taken on record and marked as "X" for identification.

2. Office report indicates that the respondent has been served. No appearance has been entered. This matter was adjourned on 11/01/2019 and 21/01/2019. Even today, none appears for the respondent.

3. On 28/11/2018, I have passed the following order :-

"1. *The applicant wife prays for transferring HMP No. 105/2018*

pending before the learned Civil Judge, Senior Division, Jalgaon to the Court of the learned Civil Judge, Senior Division, Amalner.

2. It is submitted that after some days of the marriage, the Respondent/ husband and his relatives started ill-treating and harassing the Applicant/ wife for one reason or the other. The Applicant/ wife was deserted by the Respondent/ Husband since the Applicant could not fulfill the unlawful demands and since then, the Applicant is residing along with her parents. The Respondent/Husband attends the proceedings at Amalner, which have been initiated by the Applicant/ Wife.

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 Choudhary (2004) 13 SCC 462.**
- (g) **Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374.**
- (h) **Vaishali Shridhar Jagtap vs. Shridhar Vishwanath**

Jagtap, AIR 2016 SC 3584.

4. *Issue notice to the Respondent, returnable on 11.01.2019.*
5. *Copy of the paper book, for issuance of notice, shall be supplied on/or before 06.12.2018, failing which, this application shall stand rejected without reference to the Court on 07.12.2018.*
6. *Hamdast is granted on request.”*

4. In view of the above, this application is allowed and HMP NO.105/2018 stands transferred to the Court of the learned Civil Judge, Sr.Dn. Amalner. The applicant would appear before the said Court on 11/02/2019.

5. The respondent husband is at liberty to pray to the said Court as well as the Courts before whom the two cases filed by the applicant/wife are pending at Amalner, to grant common dates in all the 3 matters so that he would conveniently appear in the said 3 cases on common dates in his visits to Amalner.

(Ravindra V.Ghuge, J.)