

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC. CIVIL APPLICATION NO.170 OF 2018

**VARSHA SURESH MALI
VERSUS
SURESH SHAMRAO MALI**

...
Advocate for the Applicant : Shri Avinash Patil - Barhate h/f.
Shri S. B. Narwade
...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th MARCH, 2019.

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PER COURT :

1. Despite service of Court notice, in October 2018, none has caused an appearance for the respondent husband. The matter has appeared on board four times after service of notice and today is the fifth occasion.

2. On 17/10/2018, this Court had passed the following order :-

"1 The applicant wife seeks transfer of Marriage Petition No. 69/2017 filed by the respondent / husband, from the learned Civil Judge, S.D. Osmanabad to the Court of learned Family Court, Latur, Dist. Latur.

2 *The applicant is residing with her parents with her minor child after being driven out of the marital home. She was harassed and tortured. An adult member of the family has to accompany her to attend the Court proceedings at Osmanabad.*

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

- (i) *Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir -2016 (1) Bom.C.R.250,*
- (ii) *Soma Choudhuri Vs. Gourab Choudhuri (2004) 13 SCC 462,*
- (iii) *Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374*
- (iv) *Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap - 2016 AIR (SC) 3584,*
- (v) *Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber - [2014 (1) Mh.L.J. 584],*
- (vi) *Nilima Vs. Pavansingh – LEX (BOM) 2011 9 193 and*
- (vii) *Shila Nitin Rajure Vs. Nitin Marotiappa Rajure - MCA No.184 of 2017 (Aurangabad Bench), dated 9.1.2018.*

4 *Issue notice to the respondent, returnable on 14.12.2018. Until then, the trial Court will adjourn Marriage Petition No. 69/2017.*

5 *Copy of the paper book for issuance of notice*

shall be supplied and all objections shall be removed on/or before 25.10.2018, failing which this application shall stand rejected without reference to the Court on 26.10.2018."

3. Considering the above, this application is allowed. Marriage Petition No. 69/2017 shall stand transferred to the Family Court at Latur. The applicant shall appear before the Family Court at Latur on 08/04/2019. Notice be issued by the Family Court to secure the presence of the respondent.

4. If there are other proceedings pending before the Court at Latur, the husband would be at liberty to seek common dates in all the matters so that he can participate in the proceedings in his common visits.

(RAVINDRA V. GHUGE, J.)

shp/-