

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.174 OF 2018

MANISHA JITENDRA PATIL
VERSUS
JITENDRA PRALHAD PATIL

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Advocate for Applicant : Shri Tripathi Sushilkumar H.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: January 29, 2019

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PER COURT :-

1. Despite service of Court notice in November, 2018, no appearance has been entered on behalf of the respondent / husband.
2. On 26.11.2018, I had passed the following order:-

"1 *The Applicant/ wife seeks transfer of Hindu Marriage Petition No.469/2017 pending before the Court of the learned Civil Judge Senior Division, Jalgaon, filed by the Respondent/ husband, to the Court of the learned Civil Judge, Senior Division, Ulhasnagar.*

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 brother. The Applicant has suffered miscarriage on two occasions. The distance between Jalgaon and Ulhasnagar is about 400 kilometers and the Applicant has to undertake two overnight journeys to attend the proceedings at Jalgaon along with an adult member of the family. The Respondent/Husband attends the proceedings at Ulhasnagar, 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 *Until then, the concerned Court would adjourn Hindu Marriage Petition No.469/2017.*

6 *The copy of the application paper book shall be supplied for issuance of notice, as well as, office objections, if any, shall also be removed, on or before 04.12.2018, failing which, this application shall stand rejected without reference to the Court on 05.12.2018."*

3. It is informed that application No.100 of 2016 filed by the applicant / wife under Section 12 of the Protection for Women against Domestic Violence Act, 2005 is pending at Ulhasnagar and the husband is attending the said proceedings.

4. In view of the above, this application is allowed in terms of prayer clause (A) and HMP No.469 of 2019 shall stand transferred to the court of the learned Civil Judge S.D. Ulhasnagar. The applicant shall appear in the said Court on 16.2.2019. If the respondent fails to appear, the concerned Court may issue notice. The respondent is at liberty to pray for listing both the proceedings at Ulhasnagar on common dates, so that he can participate in both the proceedings conveniently.

(RAVINDRA V. GHUGE, J.)

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