

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.215 OF 2018

KANCHAN ALIAS ZAMBUBAI SACHIN CHAVAN
VERSUS
SACHIN CHAVAN VILAS CHAVAN

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Advocate for Applicant : Shri Shaikh Rameez Raja Sk Maqsood

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 19, 2019

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PER COURT :-

1. On 25.10.2018, I had passed the following order:-

" 1. The applicant wife seeks transfer of Regular Civil Suit No.353/2018 filed by the respondent / husband, from the learned Civil Judge, Junior Division Ashti, Dist.Beed to the learned Civil Judge, Junior Division, Gangapur, Dist.Aurangabad.

2 The applicant with her one child, out of her 3 children, is residing with her parents after being driven out of the marital home. Two children are residing with respondent. She was harassed and tortured. An adult member of the family has to accompany her to attend the Court proceeding at Ashti, Dist.Beed.

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 Reg.Civil Suit No.353/2018.

5 Copy of the paper book for issuance of notice shall be supplied on/or before 01/11/2018, failing which, this application shall stand rejected without reference to the Court on 02/11/2018."

2. The respondent has been served through paper publication. No appearance has been entered by the respondent.

3. The applicant's village from Ashti is 200 Kms. She cannot travel alone. An adult member has to accompany her.

4. Considering the above, this application is allowed. RCS No.353 of 2018 shall stand transferred to the court of the learned Civil Judge J.D. at Gangapur, District Aurangabad. The applicant shall appear before the said Court on 5.4.2019. The trial Court would issue notice to the respondent for causing his appearance.

(RAVINDRA V. GHUGE, J.)

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