

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.213 OF 2018

SEEMA DNYANESHWAR JOSHI
VERSUS
DNYANESHWAR DEVIDAS JOSHI

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Advocate for Applicant : Shri Bhosale M.K. h/f Shri Salok Amol M.
Advocate for Respondents : Shri Pokale Dnyaneshwar B.

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

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PER COURT :-

1. On 23.10.2018, I had passed the following order:-

" 1 The Applicant/ wife seeks transfer of Hindu Marriage Petition No.A332/2018 pending before the Family Court, Aurangabad filed by the Respondent/ husband to the Court at Jalna.

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 Applicant is an HIV patient and there are medical complications. Thus, the Applicant cannot travel. The husband attends the proceedings initiated by the 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 14.12.2018.*

5 *Until then, the Trial Court would adjourn Hindu Marriage Petition No.A332/2018.*

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 31.10.2018, failing which, this application shall stand rejected without reference to the Court on 01.11.2018. "*

2. Learned Advocate for the respondent / husband opposes this application. He, however, concedes that another proceeding filed by the wife bearing PWDVA No.9 of 2018 is pending in District Jalna.

3. Considering the above and the serious ailment of the applicant coupled with the fact that another proceeding is already pending at Jalna, this application is allowed. HMP No. A-332 of 2018 shall stand transferred to the court of the learned Civil Judge S.D. at Jalna. The litigating sides shall appear in the said proceedings before the learned Civil Judge S.D., Jalna on 5.4.2019. Formal notices need not be issued.

(RAVINDRA V. GHUGE, J.)

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