

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.212 OF 2018

PUJA KAPIL JAISWAL

VERSUS

KAPIL MADANLAL JAISWAL

...

Advocate for Applicant : Mr.Ajay G. Talhar

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 3rd December, 2019.

PER COURT :-

1. Despite service of notice on the respondent – husband, no appearance is entered either in person or through an Advocate.

2. On 23/10/2018, I had passed the following order:-

"1 The Applicant/ wife seeks transfer of Hindu Marriage Petition No.39/2018 pending before the Court of the learned Civil Judge, Senior Division, Nanded filed by the Respondent/husband to the Court of the learned Civil Judge, Senior Division,

Jalgaon.

2 *It is submitted that after some days of the marriage, the Respondent/ husband and his relatives started illtreating 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 has to undertake a journey of more than 500 kilometers to attend the proceedings at Nanded along with an adult member of the family. The Respondent/Husband attends the proceedings at Jalgaon, 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 : AIR2002 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 Choudhaury
(2004) 13 SCC462.*

*(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.39/2018.*

*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."*

3. It is settled law that in such matters of transfer, the convenience of the parties have to be considered. The husband has not appeared before this Court in the said proceedings. For the reasons cited by the applicant, I find that she would be required to

travel 500 kilometers to attend the proceedings at Nanded.

4. In view of the above, this application is allowed. H.M.P. No.39/2018 shall stand transferred to the Court of Civil Judge, Senior Division, Jalgaon. The applicant would appear before the said Court on 20/12/2019. Notice shall be issued to the respondent.

(RAVINDRA V. GHUGE, J.)

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