

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.217 OF 2018

KAVITA DNYANESHWAR PAWAR
VERSUS
DNYANESHWAR TUKARAM PAWAR

Mr.M.K.Gawai, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 11/12/2019

PER COURT :

1. On 29/10/2018, I had passed the following order :-

“1. The applicant wife seeks transfer of H.M.P.No.350/2018 filed by the respondent/husband, from the Court of the learned Civil Judge Senior Division, Pune to the Court of learned Civil Judge Senior Division, Jalna.

2. The applicant with her seven years old son, is residing with her parents 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 proceeding at Pune. The applicant has filed P.W.D.V.A. No.68/2018 under Section 12 of the Protection from Domestic Violence Act, 2005 at Jalna.

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 09.01.2018.

4. *Issue notice to the respondent, returnable on 17.12.2018. Until then the trial Court shall adjourn H.M.P. No.350/2018.*

5. *Copy of the petitioner paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 19.11.2018, failing which, this application shall stand rejected without reference to the Court on 21.11.2018."*

2. The respondent/husband has been served through paper publication. No appearance is entered. The name of the respondent was pronounced in the open Court and there was no response.

3. For the reasons set out in the earlier order, this application is allowed. HMP No.350/2018 stands transferred from the Court of the learned Civil Judge, Sr.Division, Pune to the Court of the learned Civil Judge, Sr.Division, Jalna. The applicant shall appear before the said Court at Jalna on 10/01/2020.

(Ravindra V.Ghuge, J.)