

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
MISC. CIVIL APPLICATION NO.221 OF 2018

Sarita w/o Pradip Kshetre

Applicant

Versus

Pradip s/o Ekanath Kshetre

Respondent

Mr.S.B.Choudhari, advocate for the applicant.

**CORAM : RAVINDRA V. GHUGE, J.**

**DATE : 07<sup>th</sup> August, 2019**

**PER COURT:**

1 On 25.10.2018, I passed the following order:

*"1 The applicant wife seeks transfer of Marriage Petition No.682/2018 filed by the respondent / husband, from the learned Civil Judge, Senior Division, Kalyan, Dist. Thane to the learned Civil Judge, Senior Division, Aurangabad, Dist. Aurangabad.*

*2 The applicant with her 2 years child, is residing with her widowed mother 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 Kalyan, Dist. Thane.*

*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 Kubar, [2014(1) Mh.L.J. 584],*
- (vi) Nilima Vs. Pavansingh – LEX (BOM) 2011 9 193; and*
- (vii) Shila Nitin Rajure Vs. Nitin Marotiappa Rajuri, 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 Marriage Petition No.682/2018.*

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

2           As the applicant could not serve the Respondent-husband despite multiple modes having been permitted, she has finally succeeded in serving the Respondent through paper publication on 28.06.2019. The copy of the news paper publication is placed on record. Yet, the Respondent has not entered his appearance.

3           In view of the above, this application is allowed in terms of prayer clause (B). The Marriage Petition No.682 of 2018 shall be transferred from the Court of the learned Civil Judge, Senior Division, Kalyan, District Thane to the Court of the learned Civil Judge, Senior Division, Aurangabad.

4           The applicant shall appear in the said proceedings at Aurangabad, on 30<sup>th</sup> August, 2019. Notice can be issued by the said Court to the Respondent.

**RAVINDRA V. GHUGE**  
**JUDGE**

adb/