

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

945 MISC.CIVIL APPLICATION NO.234 OF 2018

SUSHMA VINOD KAMBLE
VERSUS
VINOD KALYAN KAMBLE

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Advocate for Applicant : Shri Vasmatkar A.G.
h/f Shri Deshpande Amit S.
Advocate for Respondent : Shri Shendarkar S.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 29, 2019

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PER COURT :-

1. Learned Advocate for the respondent / husband brings to my notice today that even after the order dated 24.11.2018 was passed, the litigating sides have concluded the recording of their oral evidence and have submitted evidence closing purshis. On 19.12.2018, the Family Court, Pune closed the evidence on 16.1.2019 and the matter is posted for advancing final arguments on 22.2.2019.

2. Learned counsel for the applicant / wife submits that she has not yet filed her written statement in the said proceedings. She had not cross-examined the husband. She is yet to lead her evidence.

3. I find that the applicant, before approaching this Court, has neglected the proceedings before the Family Court at Pune. By my order

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dated 24.11.2018, the proceedings at Pune were directed to be adjourned. In this backdrop, the Family Court could not have passed orders on 19.12.2018 and 16.1.2019 closing the evidence of the applicant / wife.

4. Learned Advocate for the respondent submits that he is regularly attending the proceedings under the Protection of Women from Domestic Violence Act, 2005 ('D.V.Act'), filed by the wife at Latur.

5. In view of the above, this application is allowed. HMP No.1238 of 2017 shall stand transferred from the Court at Pune to the Court of the Civil Judge S.D. Latur. The litigating sides shall appear before the Court at Latur on 28.2.2019, when the proceedings under the D.V. Act are also posted at Latur. Needless to state, the respondent / husband is at liberty to pray for posting both the proceedings on common dates at Latur, so that he can attend the proceedings conveniently.

6. It be noted that this Court has not expressed any view about the 'No Written Statement' order or 'No Cross' Order or 'Closing Evidence' order against the wife.

(RAVINDRA V. GHUGE, J.)

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