

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.263 OF 2018
(Vaishali Rushikesh Mahale Vs. Rishikesh Laxman Mahale)

Mr.A.S.Savale, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/03/2019

PER COURT :

1. While issuing notice on 15/12/2018, I had passed the following order :-

“1 The Applicant/ wife prays for transferring HMP No.347/2017 filed by the Respondent/ Husband before the learned Civil Judge, Senior Division, Niphad to the Court of the learned Civil Judge, Senior Division, Dhule.

2 It is submitted that the marriage was solemnized on 09.07.2011 and the couple has one child out of the wedlock, who is 07 years old. However, 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 and since then, the Applicant is residing along with her parents at Shindkheda, District Dhule. The distance between Shindkheda and Niphad is about 190 kilometers. Being a lady, an adult member of the family has to accompany her. Two Criminal Cases were filed by the Applicant at Shindkheda, District Dhule and the Respondent attends the said

proceedings.

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 Choudhaury (2004) 13 SCC 462.

(g) Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadwani, AIR 2009 SC 1374.

(h) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, AIR 2016 SC 3584.

(i) Reena Mehra vs. Rohit Rai Mehra, AIR 2003 SC 1002.

(j) Rakhi Banerjee vs. Subhankar Mukherje, AIR 2009 SC 928.

(k) T.Gayatri Devi vs. Tallepaneni Sreekanth, 2013 (6) Bom. C.R. 119 (Supreme Court).

(l) Anita Balkrishna Barge vs. Balkrishna Sopan Barge, 2011 (3) Bom. C.R. 866 (Aurangabad Bench).

(m) Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil, 2013 (5) Bom.C.R. 694 (Aurangabad Bench).

(n) Kalpana Pankaj Rozatkar vs. Pankaj Supadu Rozatkar, 2013 (6) Bom.C.R. 161 (Aurangabad Bench).

(o) Sayali Swapnil Kuber vs. Swapnil Harischandra Kuber, 2014 (1) Mh.L.J. 584 (Nagpur Bench).

4 *Issue notice to the Respondent returnable on 01.02.2019.*

5 *Till then, the concerned Court shall adjourn HMP No.347/2017.*

6 *The copy of the application memo for issuance of notice, if not already supplied, shall be supplied and the office objection, if any, shall also be removed on or before 21.12.2018, failing which, this application shall stand rejected without reference to the Court on 22.12.2018.”*

2. The respondent/husband has been served. I adjourned this matter on 01/02/2018 so as to enable the husband to participate in the proceedings since no appearance was entered. Even today, no appearance is entered and none causes an appearance.

3. Considering the above and for the reasons recorded in my order dated 15/12/2018 and considering the judgments cited, this application is allowed. HMP No.347/2017 shall stand transferred

from the Court of the learned Civil Judge, Sr.Dn. Niphad, to the Court of the learned Civil Judge, Sr.Division, Dhule. The applicant would appear in the said proceedings on 29/03/2019. Notice need not be issued to the applicant/wife.

(Ravindra V.Ghuge, J.)