

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO.4 OF 2019

POOJA MANOHAR BACHHAV
VERSUS
MANOHAR SAMPAT BACHHAV

...

Advocate for the Applicant : Shri S.P.Salgar h/f Shri Dhage Hemant U.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 04th June, 2019

Per Court:

1 Despite service of court notice by affixing the same on the door of the respondent/ husband's apartment as per the address mentioned in the cause title, the respondent/ husband has failed to appear either in person or through an advocate.

2 On 14.01.2019, this Court had passed the following order :-

"1 *The applicant wife seeks transfer of HMP-A No.21/2018 filed by the respondent / husband, from the learned Family Court, Nashik, Dist. Nashik to the learned Family Court, Ahmednagar.*

2 *The applicant is residing with her parents after being driven out of the marital home. She was illtreated and assaulted at her marital home. An adult member of the family has to accompany her to attend the Court proceeding at Nashik as the distance between Nashik to Ahmednagar is 150 kms.*

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 9.1.2018.*

- 4 *Issue notice to the respondent, returnable on 22/02/2019. Until then, the trial Court will adjourn HMP-A No.21/2018.*
- 5 *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 21/01/2019, failing which this application shall stand rejected without reference to the Court on 22/01/2019."*

3 In view of the above, this Miscellaneous Civil Application is allowed in terms of prayer clause "B" and Petition No.A-21/2018 shall stand transferred from the Family Court at Nashik to the Family Court at Ahmednagar.

4 The applicant/ wife shall appear before the Family Court at Ahmednagar on 12.06.2019. Notice to the respondent/ husband can be issued by the said court. Liberty is granted to the respondent/ husband to seek common dates in the proceedings between the parties at Ahmednagar so that he can participate in the said proceedings in his common visits at Ahmednagar.