

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

MISC.CIVIL APPLICATION NO.91 OF 2019

MANSI AJIT CHAVARE
VERSUS
AJIT SHARAD CHAVARE

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Advocate for the Applicant : Shri Kothari Pratik P.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th March, 2020

Per Court:

1 On 30.04.2019, I had passed the following order :-

- "1. *The applicant / wife seeks transfer of Marriage Petition No.921 of 2018, filed by the respondent / husband, from the court of learned 14th Joint Civil Judge S.D., Pune to the Family Court, Ahmednagar. One proceeding is filed by the wife at Ahmednagar under the Protection of Women from Domestic Violence Act, 2005 and the husband is attending the said proceeding.*
2. *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 Vishwana Jagtap 2016 AIR (SC) 3584,*
 - (v) *Sumita Singh vs. Kumar Sanjay (2001) 10 SCC 41 : AIR 2002 SC 396,*
 - (vi) *Mahadevi Mehtre vs. Gopal 2015 (5) AIR Bom. 250,*
 - (vii) *Mona Aresh Goel vs. Aresh Satya Goel 2000 (9) SCC 255*

: AIR 2000 SCW 2652,

- (viii) *Ravinder Kaur vs. Hitinder Singh* AIR 2000 SC 3403,
- (ix) *Rena Gautam vs. Vinod Gautam* AIR 2000 SC 3405,
- (x) *Reena Mehra vs. Rohit Rai Mehra* AIR 2003 SC 1002,
- (xi) *Rakhi Banerjee vs. Subhankar Mukherje* AIR 2009 SC 928,
- (xii) *T.Gayatri Devi vs. Tallepaneni Sreekanth* 2013 (6) Bom. C.R. 119 (SC),
- (xiii) *Anita Balkrishna Barge vs. Balkrishna Sopan Barge* 2011 (3) Bom. C.R. 866 (Aurangabad Bench) and
- (xiv) *Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil* 2013 (5) Bom.C.R. 694 (Aurangabad Bench).

- 4. Issue notice to the respondent, returnable on 28.6.2019. Until then, the trial Court will adjourn HMP No.280 of 2017.
- 5. Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 3.5.2019, failing which this application shall stand rejected without reference to the Court on 4.5.2019."

2 The above order dated 30.04.2019 was corrected vide order dated 03.05.2019, which reads as under :-

- "1 Not on Board. Mentioned.
- 2 This is a motion for speaking to the minutes of the order dated 30.04.2019.
- 3 It is stated that the proceeding number appearing in paragraph 4 of the order should be "**Marriage Petition No.921/2018**" and not "HMP No.280 of 2017".
- 4 The order be corrected accordingly. This motion is, accordingly, disposed of. A corrected copy of the order be issued accordingly."

3 Despite service of court notice on the respondent and though this matter was listed on 04.11.2019, 09.11.2019, 15.01.2020,

21.01.2020 and 05.02.2020, the respondent/ husband has not entered an appearance.

4 Considering the above, it is obvious that the respondent/ husband does not desire to oppose this application. This Miscellaneous Civil Application is, therefore, allowed. Marriage Petition No.921/2018 shall stand transferred from the Court of the learned 8th Joint Civil Judge, Senior Division, Pune (earlier 14th Joint Civil Judge, Senior Division, Pune) to the learned Family Court at Ahmednagar.

5 Since the other proceeding filed by the applicant/ wife is posted on 16.03.2020 at Ahmednagar, the applicant shall appear in the transferred proceeding before the learned Family Court at Ahmednagar on 16.03.2020. The Family Court is at liberty to issue notice to secure the presence of the respondent/ husband.

6 The applicant makes a grievance that after this Court had passed the order on 30.04.2019 directing adjournment in Marriage Petition No.921/2018, a "No W.S." order was passed. As such, the applicant would be at liberty to move an application for recalling of the "No W.S." order before the learned Family Court at Ahmednagar.