

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.150 OF 2019

ASMAT JAHAN MOHAMMAD SIRAJUDDIN
VERSUS
MOHAMMAD SIRAJUDDIN MOHAMMAD JALALUDDIN

Mr.Shaikh Wajeed Ahmed, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 26/02/2020

PER COURT :

1. On 24/07/2019, I had passed the following order :-

“01. The applicant wife prays for transferring R.C.S. No. 268/2017 filed by the husband, from the Court of learned Civil Judge, Senior Division, Gevrai to the learned Civil Judge, Senior Division, Pathri. The distance is about 90 Kms, between the two places. One case filed by the applicant under Section 125 of the Code of Criminal Procedure and another filed by the brother of the applicant i.e. R.C.C. No. 69/2017 are pending before the competent Courts at Pathri and the husband attends the said proceedings.

02. 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) 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).

03. Issue notice to the respondents returnable on 30.8.2019. Until then, the learned Trial Court at Gevrai shall adjourn R.C.S. No. 268/2017.

04. Copy of the application-paper book shall be supplied for issuing notice, on or before 2.8.2019, failing which this application will stand rejected

without reference to the Court on 3.8.2019.”

2. Despite service of Court notice on the respondent/husband on 07/11/2019 and though the matter has been adjourned on 3 occasions, no appearance has been caused on behalf of the respondent/husband. It, therefore, appears that he is not opposing this application and the same is therefore allowed in terms of prayer clause “B”.

3. RCS No.268/2017 shall stand transferred to the Court of the learned Civil Judge, Jr.Division at Pathari, Dist. Parbhani. The applicant/wife shall appear before the said Court on 20/03/2020. Notice will be issued by the Trial Court to the husband.

(Ravindra V.Ghuge, J.)