

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.272 OF 2019

PALLAVI VIJAY SAWANT
VERSUS
VIJAY JAYSHING SAWANT

Mr.S.R.Andhale, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 09/03/2020

PER COURT :

1. On 17/12/2019, I had passed the following order :-

"1. The applicant wife seeks transfer of Petition No.A-347/2019 filed by the respondent / husband, from the Court of the learned Family Court, Nashik Road, Dist. Nashik to the Court of the learned Civil Judge, Sr.Division at Shrigonda.

2 The applicant is residing with her parents and her 4 years old girl child at Shrigonda after being driven out of the marital home. She was harassed and tortured. One proceeding under the Protection of Women from Domestic Violence Act is pending at Shrigonda, Distance between Shrigonda and Nashik is about 300 kms and requires 2 overnight journeys.

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) *Kalpna 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 14/02/2020. Until then, the trial Court will adjourn Petition No.A-347/2019.*

5 *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed, on/or before 03/01/2020, failing which this application shall stand rejected without reference to the Court on 04/01/2020.”*

2. Despite service of Court notice, no appearance has been entered by the respondent which indicates that he does not desire to oppose this application.

3. In view of the above, this application is allowed. Petition No.A-347/2019 shall stand transferred from the learned Family Court, Nasik to the Court of the learned Civil Judge, Sr.Division, Shrigonda.

4. The applicant shall appear before the Court at Shrigonda on 03/04/2020.

5. Notice will be issued to the respondent to enable his appearance.

(Ravindra V.Ghuge, J.)