

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

919 MISC.CIVIL APPLICATION NO.50 OF 2022

ASMITA AVINASH UMALE
VERSUS
AVINASH MADHUKAR UMALE

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Ms. Nayana Patil, Advocate holding for Mr. A.R. Tapse,
Advocate for the applicant.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 13.10.2022.

ORDER:-

1. Leave to correct the number of marriage petition in prayer clauses "C" and "D".

2. Heard learned Counsel for the applicant. Though the final disposal notice issued to the respondent is awaited, but from the service affidavit filed on behalf of the applicant, it appears that the respondent has been served by Registered Post A.D. on 19.07.2022. The tracking report is also supporting the said fact. As such, the respondent is served. The respondent, despite service, remained absent.

3. The application is filed by applicant – wife for transfer of HMP No.109/2021 filed by the respondent – husband for restitution of conjugal rights in the Court of Civil Judge (Senior Division), Akola, to the Family Court,

Aurangabad. The record shows that applicant – wife has filed proceedings under Protection of Women from Domestic Violence Act bearing PWDVA No. 55 of 2021 and PWDVA Appeal No. 62 of 2021 in concerned Courts at Aurangabad. Besides, a criminal case bearing R.C.C. No. 1293 of 2021 under Section 498-A of the Indian Penal Code lodged against the respondent and his family members in the Court of learned Chief Judicial Magistrate, Aurangabad at the instance of applicant. The respondent is attending the dates of aforesaid proceedings. The respondent, despite service, remained absent and therefor, considering the convenience of applicant – wife, I pass the following order.

ORDER

- (i) The application is hereby allowed.
- (ii) HMP No.109/2021 pending in the Court of Civil Judge (Senior Division), Akola is hereby transferred to the Family Court, Aurangabad for disposal according to law.
- (iii) The respondent is directed to appear before the learned Family Court, Aurangabad on 21st November 2022.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)