



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

951 MISC.CIVIL APPLICATION NO. 347 OF 2023  
IN MCA/86/2023

DEEPIKA NITIN PAWAR  
**VERSUS**  
NITIN SHIVAJI PAWAR

Mr. A. D. Sonar, Advocate for the applicant  
Mr. Prafulsing Patil h/f Mr. P. H. Patil, Advocate for the respondent

CORAM : R. M. JOSHI, J.  
DATE : 13<sup>th</sup> DECEMBER, 2024

**PER COURT :-**

1. Heard.
2. This application is moved by the wife for seeking transfer of Petition A No. 101 of 2023 pending before the Family Court Pune to Family Court, Dhule.
3. Learned counsel for the applicant submits that the applicant is a lady and it is inconvenient to travel 330 kms from Dhule to Pune to attend the said proceedings. It is his contention that she had filed proceeding bearing No. A-194/2013 under Section 9 of the Hindu Marriage Act before the Family Court at Dhule so also criminal proceedings under Section 498-A of the Indian Penal Code. It is his contention that in any case respondent will have to attend the said

proceeding in the Courts at Dhule.

4. Learned counsel for the respondent vehemently opposed the application by contending that merely because applicant is lady, that cannot become a sole ground for allowing the application.

5. The law on the point of the transfer of the proceeding in matrimonial cases is fairly settled to say that the convenience of wife should be given precedence over the convenience of the husband. Admittedly, there are two proceedings pending in the Courts at Dhule. The respondent, therefore, will have to attend those proceedings and as such no prejudice will cause to him if Petition A. No. 101/2023 pending on the file of Family Court, Pune is transferred to Family Court, Dhule. Hence, application stands allowed in terms of prayer clause 'B'.

6. In order to ensure that the respondent husband is not harassed by keeping the hearing of these proceedings on different dates, the Courts at Dhule are directed all proceedings be kept on the same date. It shall be the responsibility fo the applicant to ensure this.

**(R. M. JOSHI, J.)**

ssp