

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 3 OF 2025

Rakhi Sitaram Pawara
C/o Appa Singh Paware,
Aged: 31 years, Occ: Household,
R/o 52, Tirupati Nagar, Devpur
Tq. and Dist. Dhule.

..Applicant

Versus

Sitaram Vijay Pawara
Aged: 36 years, Occ: Service,
R/o CPWD Quarter No. 112,
Type III, block -2, Seninary Hill,
Nagpur. Tq and Dist. Nagpur

..Respondent

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Advocate for Applicant : Mr. A.T. Jagtap
Advocate for Respondent : Mr. Neelam A. Biala

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : JULY 01, 2025

PRONOUNCED ON : AUGUST 13, 2025

ORDER :-

1. Present application is filed under Section 24 of Civil Procedure Code seeking transfer of R.D. No.89 of 2022 pending before Family Court at Nagpur as well as MANRJE No.05 of 2023 pending before Family Court at Nagpur to Family Court at Dhule.
2. Mr. A.T. Jagtap, learned advocate appearing for applicant submits that respondent/husband has filed R.D. No.89 of 2022 for execution of decree passed in Mutual Divorce Petition No.F-637 of 2018 dated 19.09.2019. Similarly, respondent/husband has filed MANRJE No.05 of 2023 under Sections 152 and 153 of Civil Procedure Code seeking correction in judgment and decree passed by

Family Court in Mutual Divorce Petition No.F-637 of 2018. Mr. Jagtap submits that aforesaid proceedings are filed by respondent/husband with an intention to harass the applicant. The applicant is residing at Deopur, District Dhule along with her parents. Her financial condition is not good. The distance between Deopur to Nagpur is almost 600 kms and being a lady, it would be difficult for applicant to travel to Nagpur and attend the proceeding instituted by husband. He would therefore urge that both proceedings be transferred to Family Court at Dhule.

3. Ms. Neelam A. Biala, learned advocate appearing for respondent strenuously opposed the application and submits that matrimonial disputes between the parties were filed and decided at Nagpur. The applicant participated in all such proceedings. Further looking to the nature of dispute, it is desirable that the learned Family Court at Nagpur proceeds further and dispose of both the proceedings.

4. Having considered submissions advanced, it can be observed that applicant and respondent had filed proceedings for divorce by mutual consent and same has been disposed of vide order dated 19.09.2019. While disposing of the proceeding of divorce, directions are given as regards to permanent custody of minor son namely Dhruv. Although initial custody was kept with applicant/mother, as per revised terms, it is with father. The MANRJE

No.05 of 2023 is filed by respondent/husband under Section 152 and 153 of Civil Procedure Code seeking correction in judgment and decree (Exhibit 10 and 11) with a prayer for rectification of judgment and decree particularly clauses regarding custody of minor.

5. It is therefore apparent that the matrimonial dispute between the parties have been dealt with and decided by Family Court at Nagpur. Even the proceedings were instituted before the High Court, Bench at Nagpur. The applicant has attended all such proceedings without any difficulty. She has never sought transfer of such proceedings. In this background, R.D. No.89 of 2022 or MANRJE No.05 of 2023 which are outshoot of decree passed by Family Court, Nagpur need not be transferred on the ground of alleged inconvenience to applicant. It is true that applicant/wife has instituted PWDVA No.429 of 2022 after decree of dissolution of marriage passed by mutual consent before learned Judicial Magistrate First Class, Dhule. However, that itself cannot be a ground to entertain the prayer for transfer.

6. Although it is settled that in matrimonial disputes, convenience of wife has to be given precedence, in facts of present case, main proceedings are already entertained and decided by Family Court at Nagpur and applicant/wife has participated in such proceedings, the execution of decree passed in main proceeding or application for correction in a decree need not be transferred to

Dhule, which may be otherwise inconvenient for the Courts to deal with.

7. In result, the application stands rejected.

(S.G. CHAPALGAONKAR, J.)