

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 1 OF 2025

Sau. Prachi Krushnath Jadhav

VERSUS

Krushnath Ramesh Jadhav

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Advocate for Applicant : Mr. A.R. Ingle h/f Mr. Balbhim Ramchandra
Kedar

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 15, 2025

PER COURT :-

1. Leave to correct. Correction to be carried out forthwith.
2. Heard learned advocate appearing for applicant. Notice of this application was duly served upon respondent, but none appears.
3. The applicant seeks transfer of H.M.P. No.61 of 2024 pending before Civil Judge Senior Division, Khatav to Civil Judge Senior Division, Amalner, District Jalgaon.
4. Learned advocate appearing for applicant submits that marriage between applicant and respondent was solemnized on 18.01.2022. However, due to ill-treatment subjected to her, she was forced to leave matrimonial home and since then she is residing with her parents at Chopda, District Jalgaon. Learned advocate appearing for petitioner further submits applicant had filed FIR with Police Station Chopda against her husband and relatives for ill-treatment

subjected to her. Accordingly, R.C.C. No.233 of 2024 was registered and same is pending trial before Judicial Magistrate First Class, Chopda. The respondent/husband is attending said proceeding. She submits that in this background, respondent/husband instituted H.M.P. No.61 of 2024 before Civil Judge Senior Division, Khatav for restitution of conjugal rights under Section 9 of Hindu Marriage Act. The distance between Amalner and Khatav is almost 500 kms and it would be difficult for applicant to travel such a distance and attend proceeding at Khatav.

5. Considering submissions advanced and averments in this application, it is apparent that applicant is residing along with her parents at Chopda, District Jalgaon. The respondent has instituted H.M.P. No.61 of 2024 for restitution of conjugal rights before Civil Judge Senior Division, Khatav, which is almost 500 kms from place of applicant's residence. It would be inconvenient for her to travel the distance and attend proceeding. Pertinently, R.C.C. No.233 of 2024 is pending in the Court of Judicial Magistrate First Class, Chopda and respondent/husband is accused in that case. There is nothing on record to show that respondent/husband would have any difficulty to attend proceeding at Chopda. In view of judgment of Hon'ble Supreme Court in case of **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha¹**, the convenience of wife has to be given precedence over convenience of husband. However, where there are multiple

1 AIR 2022 SC 4318

(3)

proceedings between the parties, it is advisable that all are brought at same place, which is convenient for respective parties and also for the Court. In that view of matter, case is made out to allow application and hence, it is allowed in terms of prayer clause (B).

6. Parties to appear before Civil Judge Senior Division, Amalner, District Jalgaon on 26.08.2025.

7. Miscellaneous Civil Application stands disposed of in aforesaid terms.

(S.G. CHAPALGAONKAR, J.)