



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

MISC. CIVIL APPLICATION NO. 8 OF 2025

Seema Prafulla Mahale @ Seema Gorakh Jagtap .. Applicant

Versus

Prafulla Dhudku Mahale .. Respondent

Mr. Shantanu A. Deshpande, Advocate for the Applicant.
Mr. Siddhesh S. Ghodke, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 15th SEPTEMBER, 2025.

PER COURT :-

. Heard learned advocates for the parties.

2. This application is filed seeking transfer of three proceedings pending in the Court of learned Judge, Family Court at Dhule to the Court of learned Judge, Family Court at Nashik.

3. The application is filed by the wife. Out of three proceedings, Petition A. No. 38/2022 is filed by the wife seeking divorce. Petition No. A 337/2022 is filed by the husband under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights and Petition (D) No. 02/2023 is filed by the

husband seeking custody of child.

4. It is argued by the learned advocate for the applicant that, the wife is presently residing at Nashik. Even the husband resides at Nashik. Therefore, convenience of the wife should be seen. He relied upon the order passed by this Court in Criminal Application No. 1017/2025 between the same parties wherein, this Court has transferred the proceedings of Petition (E) No. 12/2023 filed under Section 125 of the Code of Criminal Procedure to the Court of learned Judge, Family Court, Nashik from the Court at Dhule. He thus submits that, it is necessary in the interest of justice to transfer these three proceedings as well.

5. The learned advocate for respondent vehemently opposes the application. He submits that, the wife on her own has filed proceedings at Dhule and now, she is seeking transfer of the proceedings. The proceedings have now reached up to the stage of recording of evidence and one petition is at final hearing stage. It would not be appropriate to transfer the proceedings at this stage. He relies upon the order passed in the case of Manoj s/o. Dnyaneshwar Sattyavijay Vs. Rinku Manoj Sattyavijay in Misc.

Civil Application No. 312/2024 (Bombay). He thus opposes the application.

6. There is no dispute that the wife is residing at Nashik. About the husband it is submitted by the learned advocate for respondent that he stays in Dhule. Be that as it may, it is seen that, one proceeding is already transferred by this Court to the Court at Nashik. The learned advocate for respondent though has relied upon the judgment in the case of Manoj s/o Dnyaneshwar Sattyavijay (*supra*), this Court finds that, once the criminal proceeding is already transferred to the Court at Nashik, propriety required that the same be followed while considering this application as this application is between the same parties. Care of the interest of respondent-husband can be taken care while passing the order. Hence, following order :

ORDER

(I) Misc. Civil Application stands allowed in terms of prayer clause (B).

(II) After transfer of the proceedings, all the proceedings be taken along with proceeding Petition (E) No. 12/2023 which is

transferred to the Family Court, Nashik.

(III) If the respondent-husband makes a request for appearing through video conferencing, the same shall be liberally considered by the Court.

(IV) In no case the applicant-wife shall seek unnecessary adjournment. If she seeks an adjournment, the Court to pass appropriate order compensating the respondent-husband if he remains personally present in the Court.

(V) With this, Misc. Civil Application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.