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956-MCA-4-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 MISC.CIVIL APPLICATION NO. 4 OF 2025

Sau. Sayali Pankaj Jadhav

VERSUS

Pankaj Sanjay Jadhav

...

Ms. Amita D. Chate, Advocate for Applicant.

Mr. Shrikant G. Kawade, Advocate for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 3rd OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed by the applicant-wife seeking transfer of the matrimonial proceeding bearing Marriage Petition A No.1821 of 2024, pending in the Court of learned Judge, Family Court, Pune to the Court of learned Judge, Family Court at Ahmednagar.
3. It is the case of the wife that she has already instituted the proceedings in the Court at Ahmednagar. She is residing with her father at Ahmednagar. Though for some time she was in service at Pune,

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because of the behavior and harassment at the hands of the husband, she is required to stay with her father. Presently, she is unemployed. She, therefore, prays for transfer of the proceedings.

4. Learned Advocate Mr. Kawade vehemently opposed the application. He submits that the wife is, in fact, working in the Company named 'Capgemini Unit One' at Pune. In the proceeding, when notice was issued, it could not be served on the address given by the wife in Ahmednagar with endorsement "not found on the address". However, when the notice was served on her address at Pune, it was served. He thus submits that only to create a ground for transfer of the proceeding, the applicant-wife has given the address of Ahmednagar.

5. Both the sides have submitted the documents showing the address of the other side. However, since now on affidavit, the wife has stated that she resides at Ahmednagar, this Court does not find any reason not to believe the same. It is now settled position of law that in the interest of justice, the proceeding be transferred to the place where the wife resides.

6. Learned Advocate for the respondent has relied upon the order passed by this Court in Misc. Civil Application No.40 of 2020 dated 17.01.2022. In the said case, this Court refused to transfer the proceedings and directed the Family Court at Latur to exempt the appearance of the wife unless it is extremely needed and to record the evidence through video conferencing. However, this Court finds that it was in the facts of that case.

7. Considering above, following order:

ORDER

- (i) Misc. Civil Application stands allowed.
- (ii) The proceedings of Marriage Petition A No.1821 of 2024 pending in the Court of learned Judge, Family Court, Pune stands transferred to the Court of learned Judge, Family Court at Ahmednagar.
- (iii) After transfer of the proceeding, the applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal

with such application, so as to compensate the respondent-husband, if he personally remains present.

(iv) After transfer the learned Trial Judge shall try to dispose off the proceeding as early as possible and preferably within eighteen (18) months from the date of transfer.

(v) Whenever request is made by the respondent-husband seeking permission to appear through video conferencing, the same shall be considered liberally.

(vi) The husband may appear physically only when his appearance is necessary.

(vii) With this, Misc. Civil Application stands disposed off.

[KISHORE C. SANT, J.]