



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

MISC.CIVIL APPLICATION NO. 12 OF 2025

**MADHURI SHEKHAR KASODEKAR
VERSUS
SHEKHAR ANIL KASODEKAR**

...

Mr. A. S. Jagtap h/for Mr. Nagargoje Ankush Nivrutti, Advocate for Applicant

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 31.07.2025

PER COURT :-

1. Heard Mr. A. S. Jagtap, learned Advocate appearing for applicant.
2. Although notice of this Application is served upon respondent, none appears.
3. By this application, applicant seeks transfer of Marriage Petition No.157 of 2021 filed by respondent before learned Civil Judge Senior Division, Kalyan to learned Civil Judge Senior Division at Dhule.
4. Mr. Jagtap, learned Advocate appearing for applicant submits that on 21.02.2018 marriage between applicant and respondent is solemnized. The couple is blessed with one daughter, namely Veena, who is presently aged about 5 years. Mr. Jagtap further submits that Marriage Petition No.130 of 2021, filed by applicant seeking restitution

of conjugal rights, is pending before learned Civil Judge Senior Division at Dhule. Similarly, Criminal M. A. No.408 of 2021 is pending before learned J.M.F.C. at Dhule.

5. Mr. Jagtap further submits that distance between Dhule to Kalyan is more than 350 kilometers. It would be difficult for applicant to attend proceeding at Kalyan. Therefore, he urges that Marriage Petition No.157 of 2021, filed by respondent-husband, be transferred to Dhule.

6. Having considered submissions advanced, it can be observed that applicant is residing at Shirpur Dist. Dhule. Respondent-husband has instituted Marriage Petition No.157 of 2021 before learned Civil Judge Senior Division, Kalyan. Two matrimonial proceedings instituted by applicant-wife are already pending at Dhule. The distance between Dhule to Kalyan is about 350 kilometers. Applicant is taking care of her five year old daughter.

7. In aforesaid factual background, considering law laid down by Hon'ble Supreme Court in case of ***N. C. V. Aishwarya Vs. A. S. Saravana Karthik Sha, reported in AIR 2022 SC 4318***, convenience of wife has to be given precedence in the matter of transfer of matrimonial proceedings. It is trite law that when multiple proceedings are pending between the same parties, those can be taken together at one and same place for disposal in order to avoid inconsistent decisions. In present case, Marriage Petition

No.130 of 2021 and Criminal M. A. No.408 of 2021, filed by applicant-wife, are pending at Dhule, whereas Marriage petition No.157 of 2021 filed by respondent-husband is pending at Kalyan. It would be convenient for both parties if proceeding pending at Kalyan is transferred to Dhule.

8. In result, case is made out to allow application and same is **allowed** in terms of prayer clause 'B'.

9. Parties to appear before learned Civil Judge Senior Division at Dhule on 16.09.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav