

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 10 OF 2025

Deepali Roshan Sonawane @ Deepali Raghunath Tayade

VERSUS

Roshan Parmeshwar Sonawane

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Advocate for Applicant : Mr. Jitendra Vijay Patil

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 09, 2025

PER COURT :-

1. The applicant seeks transfer of Petition No.A-725 of 2024 pending before learned Family Court, Belapur, Navi Mumbai to learned Family Court at Jalgaon. Inspite of service of notice of this application, respondent failed to appear.

2. Mr. Patil, learned advocate appearing for applicant submits that marriage of applicant was solemnized on 03.07.2022 with respondent. However, the couple separated from 07.11.2023. The respondent/husband instituted Petition No. A-725 of 2024 before Family Court at Belapur, Navi Mumbai seeking decree of dissolution of marriage, whereas, applicant has filed PWDVA Application No.228 of 2024 before Judicial Magistrate First Class at Jalgaon. The applicant has 13 months old daughter. In this background, it would be difficult for applicant to travel and attend proceeding at Belapur. He would therefore urge to allow the application.

(2)

3. Considering submissions advanced, it can be observed that applicant is residing at Jalgaon which is about 400 kms from Belapur. She has an infant daughter to take care of. Further, the maintenance proceeding filed by applicant is pending before learned Judicial Magistrate First Class at Jalgaon. Looking to distance between Belapur and Jalgaon, it would be difficult for applicant to attend proceeding at Belapur along with her infant daughter. On the other hand, there is nothing on record to show that respondent/husband would have any difficulty to travel from Belapur to Jalgaon to attend the proceeding. He is already attending maintenance proceeding instituted by applicant/wife at Jalgaon. In this background, looking to the law laid down by 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. Hence, case is made out to allow the application.

4. In result, application is allowed in terms of prayer clause (A).

5. Parties to appear before Family Court at Jalgaon on 21.08.2025.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//

1 AIR 2022 SC 4318