

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 16 OF 2024

Sow. Minakshi W/o Ravikant Suryawanshi

VERSUS

Ravikant S/o Babrauwan Suryawanshi

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Advocate for Applicant : Mr. Patil Kalyan V.

Advocate for Respondent : Mr. Netaji Ganpat Kale

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 15, 2025

PER COURT :-

1. Heard learned advocates appearing for respective parties.
2. Mr. Kalyan, learned advocate appearing for applicant submits that on 27.04.2018, marriage between applicant and respondent took place. However, due to ill-treatment made by respondent, she was required to leave matrimonial home and presently she is residing along with her parents at Aurangabad. Mr. Kalyan further submits that applicant has filed proceeding under Domestic Violence Act bearing PWDVA No.403 of 2024 and it is pending before Judicial Magistrate First Class at Aurangabad. He submits that respondent has instituted H.M.P No.165 of 2023 before Civil Judge Senior Division At Udgir, District Latur. The distance between Aurangabad and Udgir is almost 360 kms. The applicant cannot attend proceeding due to longer distance. She do not have any companion or male member in the family, who can accompany

her. In that view of matter, he seeks transfer of proceeding instituted by husband before Civil Judge Senior Division At Udgir to Family Court at Aurangabad.

3. Mr. Kale, learned advocate appearing for respondent vehemently opposed the application. He submits that applicant need not to attend each and every date of proceeding. Even she can take recourse of online appearance. He further submits that the domestic violence proceeding is instituted subsequent to proceeding instituted by husband. Therefore, he opposed the prayer.

4. Having considered submissions advanced, it cannot be disputed that applicant is residing at Aurangabad along with her parents. The distance between Aurangabad and Udgir is more than 300 kms and it would be difficult for her to travel such distance in absence of companion or support. It is also not in dispute that applicant has already instituted domestic proceeding at Aurangabad and respondent/husband is attending the same. In light of aforesaid undisputed facts and considering the law laid down by Hon'ble Supreme Court in case of **N.C.V. Aishwarya vs A.S.Saravana Karthik Sha<sup>1</sup>**, the convenience of wife has to be given precedence over convenience of husband. There is nothing on record to show that respondent/husband would face any difficulty to attend proceeding at Aurangabad, if transferred from Udgir. Even when there are multiple proceedings, it is necessary to bring them at one and same place. In

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1 AIR 2022 SC 4318

that view of matter, case is made out to allow application and hence, it is allowed in terms of prayer clause (C).

5. Parties to appear before Family Court at Aurangabad on 26.08.2025.

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

**(S.G. CHAPALGAONKAR, J.)**