



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

912 MISC.CIVIL APPLICATION NO. 45 OF 2022

RAMA RAHUL JAGDHANE
VERSUS
RAHUL VILAS JAGDHANE

...

Mr. Moinpasha Shaikh h/for Mr. Kanade Angad L, Advocate for Applicant
Mr. Ravindra B. Ade , Advocate for Respondent

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.07.2025

PER COURT :-

1. Applicant-wife seeks transfer of Divorce proceeding in Petition No.A-819 of 2021 instituted by husband before Family Court Mumbai at Bandra to Family Court at Aurangabad.
2. Learned Advocate appearing for applicant submits that applicant is residing at Aurangabad alongwith eight year old son, who is in her custody. He submits that distance between Aurangabad to Mumbai is more than 350 kilometers and it would be difficult for applicant to travel and attend proceeding at Mumbai. He further submits that applicant had filed PWDVA Application No.434 of 2020 under Section 12 of Protection of Women from Domestic Violence Act, 2005 before learned Judicial Magistrate First Class, Aurangabad. The husband can attend both proceedings at Aurangabad without any difficulty.
3. Per contra, Mr. Ade, learned Advocate appearing for respondent vehemently opposes application. He points out that proceeding

filed by wife vide PWDVA No. 434 of 2020 has been disposed of on 17.06.2023. As such, no proceeding is pending at Aurangabad. According to him, present application is filed only with intention to prolong Divorce proceeding instituted by husband.

4. Having considered submissions advanced, it is not disputed that applicant is taking care of her eight year old son, who is in her custody. Apart from that, distance from Aurangabad to Mumbai is more than 350 kilometers and attending Court proceeding at Mumbai would be inconvenient for applicant. On the other hand, nothing is placed on record to suggest that respondent-husband would have any difficulty to attend proceeding at Aurangabad, in case it is transferred. The Hon'ble Supreme Court in case of ***N. C. V. Aishwarya Vs. A. S. Saravana Karthik Sha, reported in AIR 2022 SC 4318***, laid down guidelines in the matter of transfer of matrimonial proceeding. It is trite that convenience of wife has to be given precedence in the matter of transfer of matrimonial proceeding. In present case, the facts put forth are sufficient to hold that it would be convenient for parties if proceeding is transferred to Family Court at Aurangabad.

5. In result, application is allowed in terms of prayer clause 'B'. 6. Parties to appear before Family Court at Aurangabad on 11.08.2025.

[S. G. CHAPALGAONKAR, J.]