



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

MISC.CIVIL APPLICATION NO. 26 OF 2025

**USHA AKASHKUMAR KAISHWAS (KAITHWAS)
VERSUS
AAKASHKUMAR AMARNATH KAISHWAS (KAITHWAS)
KAITHWAS**

...
Mr. Swapnil Patil, Advocate for Applicant
Mr. Wakale Raviraj Tukaram, Advocate for Respondent
....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 06.08.2025

PER COURT :-

1. Heard learned Advocates appearing for respective parties.
2. By this application, applicant seeks transfer of H.M.P. No.513 of 2014, pending before learned Joint Civil Judge Senior Division, Wardha to learned Civil Judge Senior Division at Bhusawal.
3. Mr. Swapnil Patil, learned Advocate appearing for applicant submits that marriage between applicant and respondent was solemnized on 21.01.2022. The couple is blessed with a daughter, namely Mitakshi, who is about two and half years old. Mr. Patil submits that due to ill-treatment meted out to applicant-wife, she is residing along with her parents at Bhusawal. She has already instituted PWDVA No.129 of 2024 against respondent and in laws before learned Judicial Magistrate First Class at Bhusawal. Further, she has filed H.M.P No. 03 of 2025 before learned Civil Judge Senior Division at Bhusawal. In this

background, respondent-husband has filed H.M.P. No.513 of 2024 before learned Civil Judge Senior Division at Wardha, seeking decree of dissolution of marriage.

4. Mr. Patil submits that distance between Wardha to Bhusawal is about 370 kilometers. It would be difficult for applicant to travel such distance to attend proceeding at Wardha. He, therefore, urges that H.M.P. No.513 of 2014 be transferred to Bhusawal.

5. The learned Advocate appearing for respondent vehemently opposes application. He submits that applicant-wife has filed proceedings only with intention to harass respondent.

6. Having considered submissions advanced, it can be observed that applicant is residing at Bhusawal along with her parents and minor daughter. Two other matrimonial proceedings are already pending between the parties at Bhusawal. Respondent-husband has filed H.M.P. No.513 of 2024 at Wardha. The distance between Wardha to Bhusawal is about 370 kilometers.

7. In light of aforesaid facts and 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. Further, when multiple matrimonial proceedings are pending between the

parties, it is desirable to bring them at one and same place. It is obvious that applicant would face difficulty to travel distance of about 370 kilometers to attend proceeding at Wardha.

8. In that view of the matter, case is made out to allow application and it is accordingly **allowed** in terms of prayer clause 'B'.

9. Parties to appear before learned Civil Judge Senior Division at Bhusawal on 15.09.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav