



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

79 MISC.CIVIL APPLICATION NO. 93 OF 2024

RUCHA W/O SACHIN CHATUR (RUCHA D/O VITHALRAO KALE)
VERSUS
SACHIN RAMESH CHATUR

...

Mr. Nikhil N. Narlawar h/for Mr. Gadegaonkar Bharat N., Advocate for
Applicant

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14.07.2025

PER COURT :-

. Heard Mr. Nikhil Narlawar, learned Advocate appearing
for applicant.

2. By this application, applicant seeks transfer of Hindu
Marriage Petition No. A-436 of 2023 pending before Family Court at
Aurangabad to Family Court at Nanded.

3. Mr. Nikhil Narlawar, learned Advocate appearing for
applicant submits that marriage between applicant and respondent took
place in the year 2014. However, due to ill-treatment meted to applicant-
wife, she was required to leave matrimonial home. Presently, she is
residing with her parents at Nanded.

4. Mr. Narlawar further submits that applicant-wife has
already instituted HMP No.A-231 of 2023 before Family Court at
Nanded for decree of dissolution of marriage. Later on, respondent-

husband has instituted HMP No.A-436 of 2023 before Family Court at Aurangabad. He further submits that applicant is young lady, old aged mother is suffering from various ailments. It is difficult for her to travel from Nanded to Aurangabad for attending proceeding of Court. He points out that respondent-husband appeared in proceeding at Nanded instituted by applicant-wife. Hence, he urges to allow application.

5. Although notice of this application was served upon, none appears.

6. Considering submissions advanced and averments in application, it appears that applicant is residing with her parents at Nanded. She has instituted HMP No.A-231 of 2023 before Family Court at Nanded and same is pending. Respondent-husband instituted HMP No. A-436 of 2023 before Family Court at Aurangabad seeking decree of restitution of conjugal rights under Section 9 of Hindu Marriage Act. Since distance between Nanded to Aurangabad is about 300 kilometers, applicant-wife would have difficulty to attend proceeding instituted by respondent-husband before Family Court at Aurangabad.

7. Apparently, it would be convenient for applicant-wife, if proceeding pending before Family Court, Aurangabad vide HMP No.A-436 of 2023 is transferred to Family Court at Nanded for disposal in accordance with law. As per guidelines 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. There is nothing on record to show that respondent-husband would have any difficulty to attend HMP proceeding at Nanded, if it is transferred from Aurangabad.

8. In result, case is made out to allow application. Hence, Misc. Civil Application is **allowed** in terms of prayer Clause 'B'.

9. Parties to appear before Family Court at Nanded on 25.08.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav