



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

MISC.CIVIL APPLICATION NO. 24 OF 2024

MS. SWATI NILESH CHAUDHARI

VERSUS

DR. NILESH KASHINATH CHAUDHARI

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Mr. N. V. Dhuke h/for Mr. Wani Girish V., Advocate for Applicant
Mr. Patil Pramod D, Advocate for Respondent

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 08.07.2025

PER COURT :-

1. By this application, applicant-wife seeks transfer of Hindu Marriage Petition No.559 of 2023 filed by respondent-husband before Civil Judge Senior Division, Pune to Civil Judge Senior Division at Chalisgaon.

2. Mr. Dhuke, learned Advocate appearing for applicant submits that applicant is residing with her parents at Chalisgaon. She has instituted proceeding under the Protection of Women from Domestic Violence Act, 2005 against respondent-husband before learned Chief Judicial Magistrate, Chalisgaon which is registered as PWDVA No.187 of 2023. Respondent-husband instituted Hindu Marriage Petition before learned Civil Judge Senior Division, Pune.

3. According to Mr. Dhuke, applicant is taking care of minor son and it is difficult for her to attend proceeding at Pune since distance between Chalisgaon to Pune is more than 300 kilometers.

4. Although notice of this application is served upon respondent, no reply is filed.

5. Considering submissions advanced, it can be observed that applicant is residing at Chalisgaon along with her parents and minor son. One of the proceedings instituted by her is pending before learned Chief Judicial Magistrate, Chalisgaon and respondent-husband is attending said proceeding. In this background, considering distance between Chalisgaon to Pune, it would be convenient for applicant, if proceeding at Pune is transferred to Chalisgaon. It is trite that, convenience of wife has to be given precedence in the matter of transfer of matrimonial proceedings 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*. There is nothing on record to show that respondent-husband would have any difficulty to attend proceeding at Chalisgaon, if it is transferred from Pune.

6. In that view of the matter, Miscellaneous Civil Application is **allowed** in terms of prayer clause 'B'.

7. Parties to appear before learned Civil Judge Senior Division at Chalisgaon on 20.08.2025.

[S. G. CHAPALGAONKAR, J.]