

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 30 OF 2025

Mrs. Indirabai Rajendra Patil

VERSUS

Mr. Rajendra Kashinath Patil

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Advocate for Applicant : Mr. Shrikant Subhash Patil

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : AUGUST 07, 2025

PER COURT :-

1. The applicant seeks transfer of Marriage Petition No.796 of 2024 pending before Civil Judge Senior Division, Kalyan to Family Court, Dhule.
2. Mr. Patil, learned advocate appearing for applicant submits that marriage of applicant with respondent was solemnized on 19.05.1987. Initially, they resided at Dombivali. However, later on there were disputes between applicant and respondent. The applicant had filed Regular Civil Suit No.67 of 2002 for maintenance before Civil Court at Dhule and same has been partly allowed. The applicant has thereafter filed another proceeding bearing Regular Civil Suit No.169 of 2013 for enhancement of amount and same is also allowed. Now, execution of maintenance decree is pending in Regular Darkhast No.124 of 2024 at Dhule. The respondent has now instituted present proceeding i.e. Marriage Petition No.796 of 2024 seeking decree of dissolution of marriage before Civil Judge Senior

Division, Kalyan. According to Mr. Patil, it would be difficult for applicant to attend proceeding at Kalyan since she is residing at remote place in District Dhule.

3. Although notice of this application is served upon respondent, none appears.

4. Apparently, the applicant is residing at Village Ajang, Taluka and District Dhule. The distance between Dhule and Kalyan is almost 300 kms and it cannot be disputed that applicant would have difficulty to attend proceeding at Kalyan. Already two matrimonial proceedings between the parties are decided at Dhule and now execution proceeding for maintenance amount is pending at Dhule.

5. In that view of matter, considering the law laid down by the 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 over convenience of husband. As such, case is made out to allow the application.

6. In that view of matter, application is allowed in terms of prayer clause (A).

7. Parties to appear before Civil Judge Senior Division at Dhule on 22.09.2025.

(S.G. CHAPALGAONKAR, J.)