



(1)

964-MCA-33-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 MISC.CIVIL APPLICATION NO. 33 OF 2025

Shila W/o Kunal Kamble

VERSUS

Kunal Premnath Kamble

...

Mr. M. R. Bahegavankar h/f Mr. S. S. Kulkarni, Advocate for Applicant.
Mr. R. O. Awsarmal, Advocate for respondent.

CORAM : KISHORE C. SANT, J.

DATE : 15th OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed by the wife seeking transfer of matrimonial proceeding bearing No. HMP No. 488/2024 pending before the learned Judge Family Court Aurangabad and Marriage Application No.359/2021 pending before the learned Civil Judge, Senior Division, Aurangabad, to the Court of learned Judge, Family Court Jalna.
3. The learned Advocate for the applicant wife submits that already two proceedings are filed in the Court at Jalna one under Section 498-A

Ethape

and another under Section 125 of the Cr.P.C. for maintenance at the instance of wife.

4. The application is vehemently opposed by the learned Advocate Mr. Bahegavankar. He relied upon the judgment in the case of *Kakali Pal Vs. Balai Chandra Pal*¹, *Gargi Konar Vs. Jagjeet Singh*², *Preeti Sharma Vs. Manjit Sharma*³ and *M. Sivagami Vs. R. Raja*⁴.

5. In support of his submission that mere convenience of the wife is not a ground to transfer the proceeding. He submits that adequate arrangement can be made by paying the travelling expenses alongwith companion by the husband. In the present case, he submits that the wife is in service in IDBI Bank and is getting a salary of around Rs.75,000/- and thus she is not a lady who cannot travel alone. He further submits that the wife is serving at Ahmednagar. It is for her convenience that the proceeding is kept at Aurangabad. Only to harass the respondent-husband, she wants to transfer the proceeding at Jalna.

1 AIR Online 2005 Sc 2015

2 AIR Online 2005 SC 103

3 (SC) Transfer Petition No.117-118/2004

4 AIR Online 2005 SC 128

6. The learned Advocate for the Applicant relied upon the judgment passed by the Hon'ble Apex Court in Civil Appeal No.4894 of 2022 in the case of N. C. V. Aishwarya Vs. A. S. Saravana Karthik Sha. He submits that, it is the convenience of the wife that should be seen. Further, when there are proceedings pending at two different places and when those are interdependent, both proceedings should be tried at the same place.

7. In the present case, this Court is not convinced much by the other grounds. This Court is passing the order only considering that two proceedings are pending at Jalna, in which the husband has already appeared. Though it is submitted that those proceedings are filed subsequent to the filing of the Hindu Marriage Petition, but still this Court finds that it would be even convenient for the husband to attend all the proceedings at one place. Hence, the following order:

ORDER

- (i) Misc. Civil Application stands allowed.
- (ii) The proceedings of HMP No.488/2024 pending before the learned Judge Family Court Aurangabad and Marriage Application No.359/2021

pending before the learned Civil Judge, Senior Division, Aurangabad stands transferred to the Court of learned Judge, Family Court Jalna.

(iii) After transfer of the proceeding, the applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.

(iv) Whenever request is made by the respondent-husband seeking permission to appear through video conferencing, the same shall be considered liberally by the trial Court.

(v) The trial Court is requested to give the dates looking to the dates given in other proceedings by the other Court so as to avoid inconvenience to the husband.

(vi) With this, Misc. Civil Application stands disposed off.

[KISHORE C. SANT, J.]